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A HISTORY OF
THE AMERICAN PEOPLE

BY

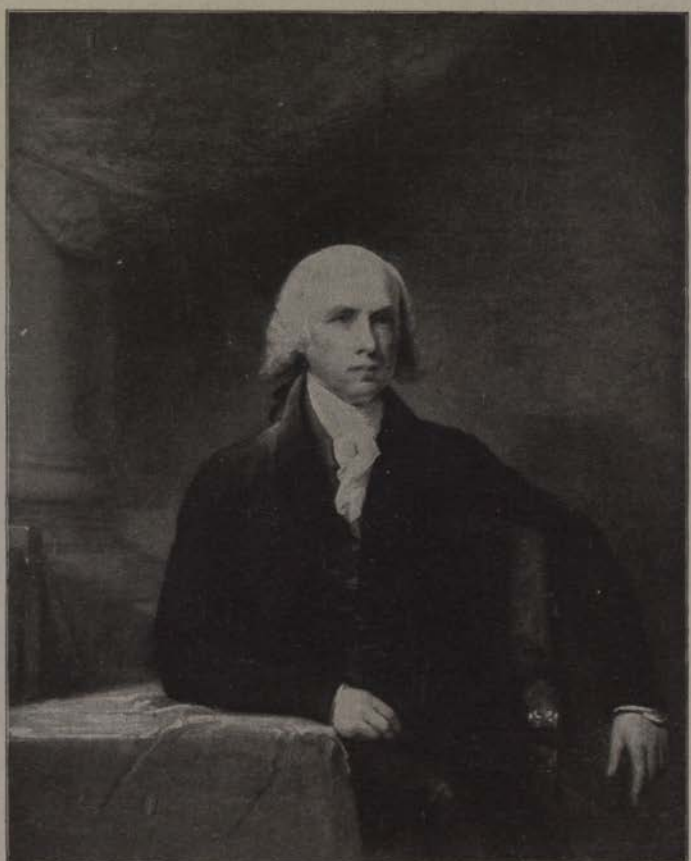
WOODROW WILSON, PH.D., LITT.D., LL.D.

DOCUMENTARY EDITION

IN TEN VOLUMES

VOL. VI

The Founding of the Government



James Madison

JAMES MADISON

(From a painting by Gilbert Stuart in the Art Gallery of Bowdoin College, Maine)

DOCUMENTARY EDITION

A HISTORY OF THE AMERICAN PEOPLE

BY

WOODROW WILSON, PH.D., LITT.D., LL.D.
PRESIDENT OF THE UNITED STATES

ENLARGED BY THE ADDITION OF ORIGINAL SOURCES AND LEADING DOCUMENTS OF AMERICAN HISTORY INCLUDING NARRATIVES OF EARLY EXPLORERS, GRANTS, CHARTERS, CONCESSIONS, TREATIES, REVOLUTIONARY DOCUMENTS, STATE PAPERS, PROCLAMATIONS AND ENACTMENTS

ILLUSTRATED WITH CONTEMPORARY VIEWS, PORTRAITS, FACSIMILES AND MAPS SELECTED FROM RARE BOOKS AND PRINTS

IN TEN VOLUMES
VOLUME VI

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A HISTORY OF THE AMERICAN PEOPLE

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A HISTORY OF THE AMERICAN PEOPLE

DOCUMENTARY EDITION

PART I.

A HISTORY OF THE AMERICAN PEOPLE

CHAPTER I

A NATION IN THE MAKING

GENERAL WASHINGTON'S first administration gave tone, direction, and presumption of permanence to the new government. His second term steadied it amidst its first serious difficulties, and gave the country a wholesome taste of its vigor. The vote of the electors was unanimous in 1792, as it had been in 1789, in choosing him President, and the seventy-seven votes which they cast for Mr. John Adams made him Vice President a second time by a safe majority. The congressional elections which accompanied the choice of the electors showed, it is true, an unmistakable reaction of opinion against the strong and systematic measures by which the Federalists had put Mr. Hamilton's programme into execution. The majority in the new House of Representatives consisted of men inclined to follow Mr. Jefferson in the formation of a distinct party of protest, if not of opposition; though the more slowly changing Senate showed still a preponderance of Federalists. But General Washington still seemed to all the safest leader in affairs, the only possible guide and mentor in those first days when all things were yet to be brought to a stable order and a wise way of government.

It was a notable thing how a minority prevailed in all active policy and managed to keep affairs in its own

THE PRESIDENT'S EQUIPAGE

hands,—the same minority whose sagacity and vigor and concert in action had secured the formulation and adoption of the constitution. The war for independence had been a democratic upheaval, and its processes had seriously discredited all government which was not directly of the people. It had made local committees of correspondence the real organs of opinion. Town meetings and the people's representatives in the provincial assemblies had originated policy, while it lasted, with an almost sovereign freedom of choice and had kept their sovereignty when the war closed. Almost everywhere, except in Virginia, a majority of the leading families and of the professional classes of the colonies had thrown their influence against the separation and independence which the popular leaders demanded; against the trial of an out-and-out people's government without king or parliament or ruling class to moderate and offset the sway of democracy; and when the end of the struggle came those whom the country had been accustomed to see lead in its commonwealths abandoned it in extraordinary numbers forever, preferring Canada and the Indies and the old country over sea, where government still kept the form and dignity and aristocratic flavor to which they were attached. Men enough of the classes hitherto honored and privileged remained to hand on the old traditions of initiative and service and authority which wealth and training and social influence had formerly secured; but the end of their predominance was plainly at hand. Aristocratic privilege and the natural precedence of birth and breeding were sadly discredited. The mass of common men had put their own leaders forward, had acted for themselves in town meetings and in voluntary organizations of their

own, with regard to matters of the greatest scope and consequence. Power had plainly been levelled; equality had become the cardinal principle of politics. local autonomy and direct elections the standards and models of political organization. The central government which the constitutional convention of 1787 had devised

FIRST OHIO CAPITOL, 1801

and to which Washington and Hamilton had given power and authority had plainly been set up as if by reaction, to offset the heady autonomy and turbulent democracy of the people's commonwealths. Many of the cherished ideals of a democratic revolution seemed lost and given up by its successful establishment; and the Federalists, with their frank preference for the old vigor of authority, their undissembled contempt for pure democracy, were

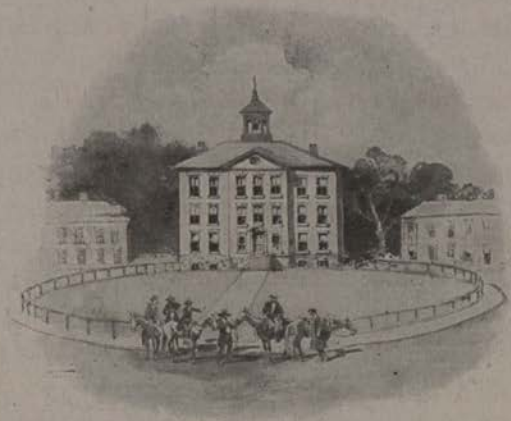
not likely very long to maintain themselves in the people's favor. Mr. Jefferson found men eager to put a check upon them and restrict the new government to a more modest scale of power. The minority were only temporarily in the saddle. They were permitted to rule only because of their vigor and efficiency, and the need to employ them in order to give definite shape to the government which they had originated.

It was a rural nation which had drawn together into this novel union,—a nation without aristocratic example now that its connection with England was cut off; with nothing but its own simple needs, naïve preferences, and manifest convenience to consider, now that it was no longer part of an extended and various empire. It had been obliged, because convinced by the unanswerable arguments of tumult and of ugly reprisals of State upon State, to set up at its centre a real government again, to take the place of the government over sea from which it had broken away: a government with an authority of its own which was likely to be even more efficacious in holding them together in a co-operative union than the authority of the King and Parliament. But, though opinion had reluctantly consented to that, it by no means followed that it would consent to see the new government given a scope and vigor such as Mr. Hamilton, with his notoriously high notions of prerogative, wished to confer upon it. The people could not, it is true, of a sudden shake off their life-long habit of following those who had always seemed their natural leaders. Their society was old; their commonwealths were compact of law that was rooted deep in the past; their thoughts were stuff of old tradition. Noble gentlemen who were of

the gifts and breeding which had so long made the chief families among them seem a sort of privileged and authoritative class, to be looked to as of course for guidance. had endeared themselves to them anew by their cordial espousal of the popular cause and by their indispensable capacity in its successful promotion; had still an unmistakable prestige in affairs. But their governments had long been in fact democratic, and were now democratic in form also, and the privilege of leading could not much longer be monopolized amongst them.

And that notwithstanding the prescriptions of their law. Under the laws of the colonies only a minority of the adult male residents in each community had been allowed to vote,—those who held some not inconsiderable amount of property; and still fewer had been allowed to hold office,—the ownership of a still larger amount of property being prescribed as a qualification for candidates for political office. Most of the one-time colonies had transformed themselves into States upon their assumption of independence by an entire reformulation of their fundamental law; and some had modified it still further before the new central government over which General Washington was to preside had been set up; but the basis of their suffrage they had in most cases left substantially unaltered. It was still necessary that every voter should be a freeholder, or the possessor of an estate of (say) fifty pounds value, or at the least a tax-payer. Rhode Island and Connecticut had kept their colonial charters as their State constitutions and left their law substantially unchanged. There were probably not more than one hundred and twenty thousand men who had the right

to vote out of all the four million inhabitants enumerated in the first census (1790). In 1792 Kentucky was made a State of the Union, and her constitution, with its frontier liberality, said nothing about any qualification for the suffrage except the qualifications of age and residence; but Tennessee, which came into the Union as a State four years later, though no less a frontier



STATE CAPITOL OF KENTUCKY, 1796

community than Kentucky, required by her constitution that voters should be owners of freeholds. There were also in almost every State property qualifications for membership in the lower House of the State legislature; and ownership of a very considerable amount of property was so universal a prerequisite for election to the Senates of the States that they were looked upon as bodies which of intention represented the propertied classes. Both by law and by ancient custom wealth and social consideration carried with them also political privilege.

But law and custom already felt in these matters the pressure of opinion. The party that was gathering about Mr. Jefferson purposed, among other things, the levelling of political privilege. The spirit of the rural nation was against social distinctions. The essential simplicity of its life made pretension ridiculous; the free movement of enterprise throughout its borders made the individual man, with or without property, if only he possessed energy and initiative, the real and only constant unit of power; and the new nation was not long in showing that it wished its government conducted with the economy, simplicity, and plainness of the individual man. There had been a significant flurry of excited comment when the first Congress under the constitution debated whether in official papers it should speak of the President of the United States as "His Highness" or "His Excellency," or confer upon him some other title of even greater semblance of rank and dignity. "Does the dignity of the nation then consist," Mr. Tucker, of South Carolina, had cried, "in the exaltation of one man and the humiliation of all the rest?" It raised a very storm of angry and even abusive comment when the houses voted their first salaries Bill, which gave to the President twenty-five thousand dollars a year, to the Vice President five thousand, to Senators and Representatives six dollars a day during the sessions of Congress, and to the Speaker of the House twelve dollars. It was known that General Washington would decline to draw his salary, and that while he remained President the salary voted to the chief magistrate would be merely nominal; but the bill fixed the salary for subsequent incumbents of the office, and it was very generally condemned for its wilful extravagance.

The Congress felt the air of opinion out-of-doors very sensitively, and the President and his advisers sometimes found now the one house and again the other in a singular mood of uneasiness or suspicion. The Federalists who gathered about General Washington were watched very narrowly to see that they formed no "court" about the President and accumulated no private stock of privilege in their managing coteries. Their more democratic opponents made merry over their affectations of social preference and their manners copied

MODEL OF A CONESTOGA WAGON

from an aristocracy over sea; and their mirth had in it oftentimes a touch of sardonic bitterness. The prejudices of such critics were based upon their own radically simple lives. Their fears of plots and usurpations, of aristocratic pretension and the insidious bringing in of notions of government which would be more suitable for a monarchy than for a democratic republic sprang wholly from what they knew and had had taste of from a very different world across the sea. A spectre of tyranny stalked always somewhere in their forecasts of the future and in all their uneasy criticisms of the present. Their governors found it necessary not only to be

but also to seem servants, not of one class or of any special interest, but of the whole people.

No society could have been more radically and essentially democratic. Agriculture, the northern fisheries, and the commerce of their ports,—their crops, their timber, their fish salted for the world, their ships showing their sails upon every coast,—summed up the chief interests of the little country commonwealths, more forest than field, more wilderness than plotted ground. Not a little of their clothing their people made for themselves out of their own flax and hemp, besides felt for hats, their own shoes, and many a pair of breeches of leather or buckskin. But English law had forbidden the export of such goods while they were colonists, which was but yesterday; and had made anything beyond the necessary spinning of the household a thing useless and unprofitable. Ships were built in every colony, but they carried only breadstuffs or lumber or shingles or tobacco or indigo in bulk. Not until the year of the constitutional convention (1787) had any considerable quantity of cotton even been gathered for export. It had for long seemed little more than an ornamental plant, a curiosity of the garden.

And even at the ports tradesmen and shippers and money-lenders and mechanics gathered in no great numbers. There were but six cities of noticeable size in all the country. The South, which held half the population, had but two, Baltimore and Charleston; and the population of these, added to the population of Philadelphia and New York and Boston and Salem, the other four, made up a total of only one hundred and thirty-one thousand all told. Virginia, with one-fifth of the total population of the country, had as yet no city

at all. There were only five daily papers in the country, and these could not be sent in the mails because of their bulk and the heavy rates of postage. There were but seventy-five post offices the country through, and few of these saw the weary post-rider more than twice a week.

It was notable, nevertheless, how the population of the country taken as a whole had grown, despite the wars and the doubts and hazards of fortune which had marked the troubled time. When the war for independence began the people of the colonies had probably not numbered more than two millions seven hundred and forty-three thousand, counting black and white, slave and free. When the first census under the constitution was taken, in 1790, there were found to be very close upon four millions, an increase of quite twelve hundred thousand within the brief space of those fourteen troubled years. But the new men who came into the reckoning did not swell the population of the towns at

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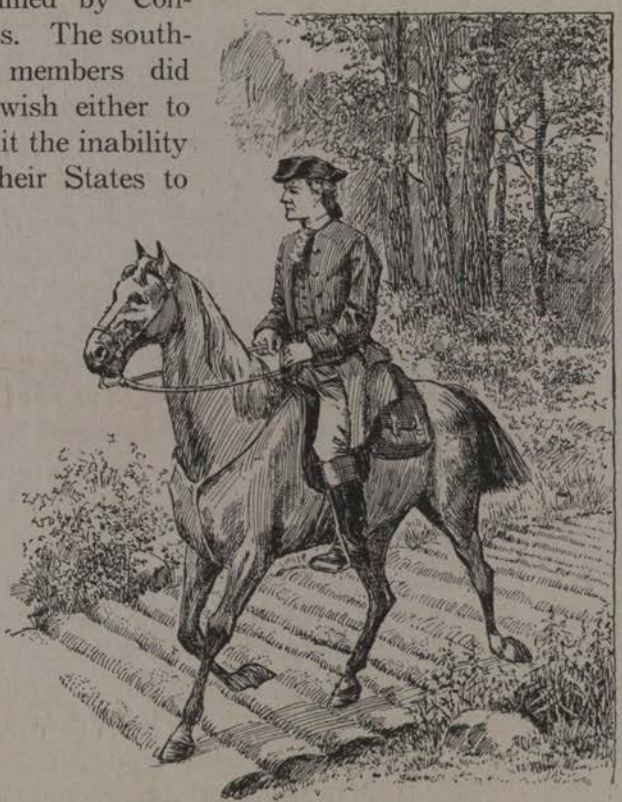
TRANSPORTATION ADVERTISEMENT

the ports. They for the more part took up land and became freeholders in that free society, and added their force to the power of the new democracy, making a nation which must be governed upon principles of equal privilege or not governed at all.

The political weather held very fair until General Washington had a second time been made President. A little jealousy; an occasional discourtesy on the part of state officials who did not wish to yield in any point of dignity or precedence to the officers of the new government; a burst of hostile criticism now and again because the new Congress seemed to go too fast in its assumptions of authority or in its expenditures; annoying difficulties in getting men of right principle and first-rate capacity to serve as subordinate officials of the federal government; petty embarrassments without number beset the novel government of the Union, because it was new and as yet had its place and its methods to establish. But Washington's wise way of being firm; his striking bearing in every matter which touched authority or precedence, half gracious, half austere, wholly commanding; his sensible moderation in counsel and straightforward vigor in action made such things of little consequence. The way in which the majorities necessary to carry Mr. Hamilton's measures for the financial support of the government had dwindled from vote to vote in the Congress was the only sign that had looked ominous.

A serious crisis had in fact been reached when it came to a vote on the proposition that the federal government should assume the war debts of the States. The southern members resolutely opposed the measure. Some States owed much more than others of the sum total

which it was proposed all should pay. Some had already paid a portion of what they owed, and would lose outright what they had paid should the debts be assumed by Congress. The southern members did not wish either to admit the inability of their States to



A MAIL CARRIER IN THE EIGHTEENTH CENTURY

pay their debts or to make the federal government a general providence for the whole country in matters financial, and a patron and friend, besides, of the money-lenders; and their opposition defeated the measure by the narrow majority of two votes. The northern members were

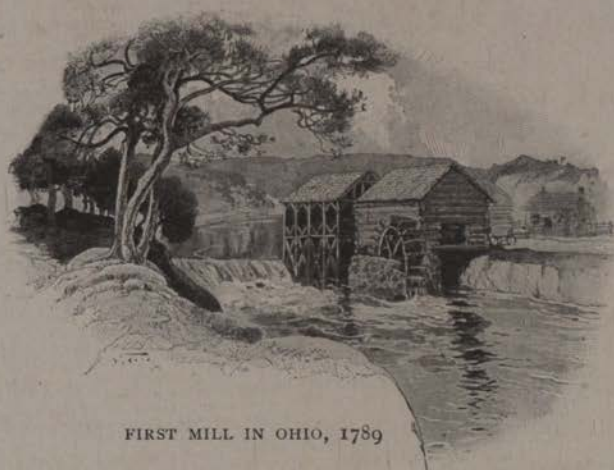
as resolutely determined that the measure should pass; and the heat of the debates and the bitterness of those who had lost in the vote gave to affairs for a moment almost a tone of revolution. Mr. Hamilton cleared the storm by a sudden stroke of astute management. The southern men were anxious that the federal district which the constitution had directed should be secured as a site for the Union's capital should be laid out on the shores of the Potomac, within their easy reach and at a safe distance alike from the importunate merchants and money-lenders of the eastern ports and from the too philanthropic Quakers of the middle States, with their troublesome and impracticable agitations for the abolition of slavery. Mr. Hamilton arranged that the two measures should be associated, the assumption of the debts and the selection of a federal district. Two Virginian members consented to vote for assumption if the northern members would vote for a capital on the Potomac; and both bills were passed.

Since 1785 New York had been the seat of the federal government; and there the new government of the Union had first been set up. It was now decided (1790) that the government should be transferred to Philadelphia, the seat of the first Congresses of the Revolution and of the formal Confederation, until a capital of its own should be ready on the Potomac.

In Philadelphia, where the Confederation had been set up and the first councils of the Revolution held, the new government also saw its first years of stress and trial. Its sharp and trying test came the year Washington was for a second time made President (1793); and came from over sea,—a test alike of its

motives and of its strength. That year the French revolution came to its keen pitch and passionate crisis.

It was the year of the Terror, and of wars which swept Europe like winds of destiny. But the Terror came at midsummer. Early in the year men in America knew only that France had gone the full length of revolution; that the monarchy had been abolished, the king sent



FIRST MILL IN OHIO, 1789

to his death, a republic set up, and a new experiment like their own, an experiment in human liberty, begun, with all Europe to fight in order to make it good. No one in Europe doubted that America would cast in her lot with France in this day of her hope and sally for freedom, if only to requite the inestimable service France had done her in her own time of aspiration and struggle. No one in America doubted it, either, who merely gave rein to sympathy and thought nothing of the consequences. But Washington saw what the consequences

would be; and his was the responsibility. His cabinet was unanimous in its agreement with him that the young republic, as yet without assured power or established friendships in the world, its own government still in its first stages of experiment, must stand neutral in European wars. Even Mr. Jefferson, though chief of the party whose passionate sympathy with the French

LAND OFFICE OF THE OHIO COMPANY, MARIETTA

revolutionists now stirred the quiet country from end to end, though himself touched at every point of thought by the speculations which were the principles of the revolution over sea, voted with his colleagues that the United States must stand aloof. France was at war with Prussia and Austria; with the spring news came that the circle of the spreading conflict had reached England and Spain; through England the flame might touch America. On the 22d of April, accordingly, the President issued a definitive proclamation of neutrality, drawn and signed by Jefferson himself, as Sec-

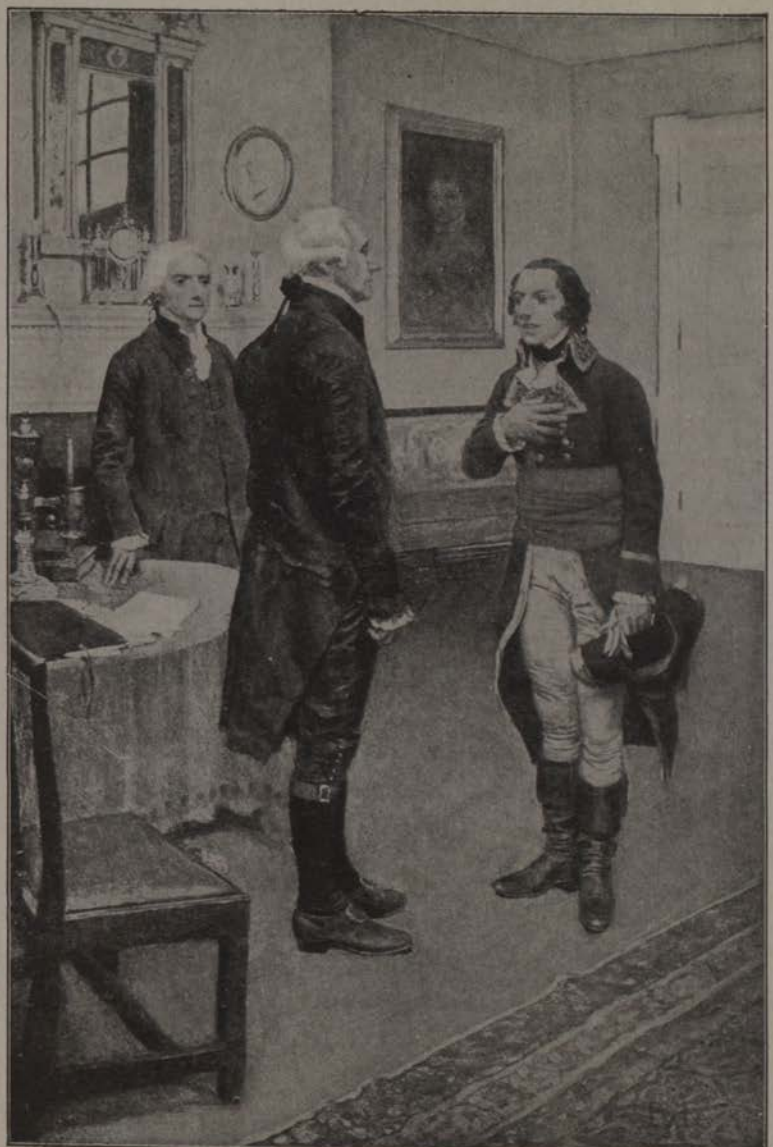
retary of State. English troops still held the posts on the northwestern frontiers; Spain commanded the lower courses of the Mississippi. To go to war with England and Spain would be to renew all the peril of the struggle for independence. No prudent man among those who now supported Washington in his delicate task of giving the new government form and strength and character doubted either the wisdom or the opportuneness of the proclamation of neutrality.

EDMOND CHARLES GENET

But the very day the newspapers of Philadelphia printed the significant and imperative proclamation "Citizen" Genet reached the city, the accredited minister of the French Republic to the United States. He had landed from a French frigate at Charleston on the 9th of April, had commissioned privateers and enlisted men there to prey upon English commerce before even presenting himself for recognition at Philadelphia, and had travelled from stage to stage of his pleasant journey northward to meet nothing but enthusiastic welcome everywhere. He had confidently expected to command America as his ally against the world. The governor of South Carolina had approved

of his extraordinary acts at Charleston. Genet had commanded that English prizes should be brought into the nearest ports of the United States, and that French consuls should condemn them in prize court; and yet he had heard nothing but applause until he reached the presence of Washington. Jefferson loved France and welcomed Genet as a friend. The United States had linked themselves with France in close treaty of alliance in the old day of their own struggle for freedom, and Mr. Jefferson was willing to believe that the promises of assistance then given applied now to the new France and her new wars against Europe almost as M. Genet himself extravagantly interpreted them. The President found himself obliged to hold his own Secretary very sternly to his duty as the minister of a neutral state. England's complaints were heeded; captured English prizes brought to the ports of the United States were released; the *exequatur* of the French consul at Boston, who had done as Genet bade him, was revoked; Americans who had enlisted on the privateers fitted out at Charleston were put on trial; and Genet's recall was requested. His reception at the hands of the people had gone to his weak head. He thought, because he was feasted and fêted in Philadelphia itself, the seat of the federal government, that he could appeal to the country against its own government, and insolently threatened to do so, to learn too late that Washington was master. As soon as possible he was superseded.

The demonstrations with which he had been received were none the less genuine. A wave of deep feeling was sweeping over the country. The "civic" feasts and republican banquets, the elaborate celebrations of liberty and the Rights of Man, with which almost every



INTERVIEW BETWEEN GENERAL WASHINGTON AND "CITIZEN" GENET

town and hamlet excited itself, would have been impossible had not a sober and unaffected enthusiasm underlain all their extravagant charlatanry and affectation. Some enthusiasts cooled towards France when her King went to the guillotine as a sacrifice; more drew away when news of the bloody Terror came; but the tide of feeling did not permanently subside. Something of a deep, unfathomable faith remained. The firmness of the government and the discredit of Genet did not prevent the formation everywhere of democratic societies which established themselves upon the model of the Jacobin Club in Paris. Their sympathy with France was but a sign and incident of the thoroughgoing and undoubting democratic creed of the people themselves. They were the nuclei of the party which meant as soon as possible to take possession of the government and mould it to its principles,—the party which Mr. Jefferson withdrew from the cabinet to lead when the year was out (December 31, 1793). He knew how to estimate the real volume of opinion now running against the policy of the administration; he shared the principles and predilections of the men who represented it upon its more sober and thoughtful side; and he had realized now for a long time that in the cabinet his views could not prevail. He withdrew to form the gathering party for its ultimate triumph when Washington should be off the stage.

Washington felt very keenly the sharp power of the hot criticism to which his course towards France had subjected him. It was a heady current to stem. Unmeasured abuse beat upon him. He seemed for a little the leader of a party, and of a minority party at that, instead of the leader of the nation. He was made to seem

A BANQUET TO GENET

for a time nothing but a Federalist, the head of a party which meant to make the federal government the people's master and then use its mastery to serve England, whom they hated, and to humiliate France, whom they loved. And while the storm beat most fiercely he was obliged to seem to confirm hostile opinion with regard to the attitude of his party towards England.

Trouble with England had not been avoided by neutrality. She kept her garrisons in the northwestern posts because the debts due to British subjects before the war for independence had not been paid; and the presence of the unfriendly garrisons there seemed to keep the Indians of the border constantly inflamed for war. She seized and impressed American seamen on the high seas, under the pretence of mistaking them for her own runaway men. She seized American ships bound for French ports with corn, and condemned them in her admiralty courts as if they were lawful prizes; and she cut away the right of the States to trade with West Indian ports, whether her own or those of France, by every vexatious restriction and arbitrary interference. She would maintain no resident minister at the seat of the federal government, as if expecting America to break her neutrality and openly espouse the cause of France. And yet the President held Congress back from every measure of retaliation or hostility; commissioned Mr. Jay, the Chief Justice, to visit England and seek a satisfactory treaty of accommodation; and kept affairs at a balance until he should return.

And then, while the country waited, the President found himself obliged to use the power of the federal government to carry out by force an unpopular law. In 1791 Congress had passed, along with the rest of

Mr. Hamilton's measures for strengthening the government, an internal revenue bill which laid taxes on distilled spirits. The people of the far counties of Pennsylvania, beyond the Alleghanies, where the roads were bad and the markets far away, could make no profit on their corn unless they converted it into whiskey; were mulcted of part of that profit by the law; and felt the thing an intolerable burden. They therefore first ignored and then resisted it. Washington watched what they did until it reached the pitch of organized rebellion; then (1794) summoned the militia of the States and moved against the rebels in force, himself accompanying the troops till he learned that there would be no final resistance; and the first concerted effort to discredit the authority of the government he had been trusted to administer was crushed. "The servile copyist of Mr. Pitt thought he must have his alarms, his insurrections and plots against the constitution," sneered Jefferson, against Hamilton, the author of the law. "It aroused the favorite purposes of strengthening the government and increasing the public debt; and therefore an insurrection was announced and proclaimed and armed against and marched against, and could never be found." "The powers of the Executive of this country are more definite and better understood, perhaps, than those of any other country," Washington had declared, "and my aim has been, and will continue to be, neither to stretch nor to relax from them in any instance whatever." But the judgment of the Democrats was the judgment of Jefferson. This stroke against the people of the western counties was, in their view, an illustration of Mr. Hamilton's all too subtile way of strengthening the federal government.

Meanwhile the country waited for Mr. Jay. He had sailed from New York on his mission on the 12th of May, 1794; on the 28th of May, 1795, he returned, bringing a treaty.[1] On the 24th of June, 1795, it was confirmed by the Senate in secret executive session; and in July its contents were made known to the country. The storm of dissent that greeted it shook the country like the bitter excitements of the ominous Stamp Act time. It was a storm, not so much of criticism, as of blind and passionate anger.

The treaty was, in fact, a statesmanlike piece of work. Mr. Jay had the sobriety, the steadiness and largeness of view, and the high spirit of a statesman. He had gone to England feeling that the affair he was to engage in was not to be "a trial of diplomatic fencing, but a solemn question of peace or war between two countries, in whose veins flowed the blood of a common ancestry, and on whose continued good understanding might perhaps depend the future freedom and happiness of the human race." Lord Grenville, with whom he had to deal, had met him in a like spirit of accommodation, and both believed when their work was done that no just exception could be taken to the terms of the treaty "except on the part of those who believed the interests of Great Britain and the United States to be in contradiction with each other, or who wished to make them so." It was not only a treaty of accommodation, it was also a treaty of commerce,—the first it had proved practicable to get from England since the war of alienation and independence which had broken the old ties forever. It provided that the British garrisons should be withdrawn from the northwestern posts by the 12th of June, 1796; that a commission, to

[1] See page 237.

sit in Philadelphia, should determine and provide for the payment of debts due British subjects at the outbreak of the war for independence, and that a similar commission, to sit in London, should adjudicate and adjust the matter of the compensation of American merchants and ship owners for illegal captures or condemnations made during the war between France and Great Britain; and that all pending boundary disputes should go for settlement to a board of joint commissioners. It defined contraband of war, regulated privateering, and declared, to the betterment and elevation of invariable international practice hitherto, that war between the two countries should never be made a pretext for the confiscation of debts or the invalidation of contracts between individuals. The door of trade between the two countries it opened wide. Trade between America and the British East Indies also it made free. Only the clause governing trade with the British West Indies was unsatisfactory. It provided that no American vessel of more than seventy tons burden should be admitted to that trade, and that no sugar, molasses, coffee, cocoa, or cotton should ever be exported thence in American bottoms to European ports. That clause the Senate rejected. It was October, 1795, before bet-

FIRST PUBLIC SCHOOL IN NEW YORK

ter terms could be obtained and the treaty finally completed.

Mr. Jay had not been able to induce Lord Grenville to forego the impressment of seamen, or to pay for the hundreds of slaves taken away with the British armies at the close of the war. Neither had he been able to change in the least the arbitrary policy of the English ministers with regard to neutral trade with France. He had reminded himself at every step that his object was peace, had felt sure that he was gaining enough to secure that, and had satisfied himself that to press for more would be to fail. The country was angry because he had not failed. It wanted war with England, fiercely resented accommodation, and deemed it poltroonery and false patriotism for any one to wish it. To accept peace, above all to seek peace, was to truckle to England and betray France and America alike. Fishermen and ship owners, the vulgar and the well informed alike, at Boston, had been in a very frenzy for war, feeling to the quick their unjust losses at the hands of the British. "You cannot imagine," wrote John Adams, "what horror some persons are in, lest peace should continue." And when they knew that peace was assured by the treaty there were no bounds to their chagrin and passionate resentment, or to the violent expression of their passion. "Damn John Jay! Damn every one that won't damn John Jay! Damn every one that won't put lights in his windows and sit up all night damning John Jay!!!" was the vulgar explosion of wrath to be read upon a gentleman's fence in a public street of the staid old town; and every town, particularly every seaport town, rang with the same license of vituperation. The tem

FRENCH FORT AT ST. LOUIS

per of the whole country seemed of a piece with the temper of New England.

It was, in mere sober fact, a bitter thing for high-spirited men to endure that Mr. Jay had been obliged to forego so much that was just and content himself with so little of what lay at the very heart of the matter. The treaty undoubtedly left England still free to impress American seamen; to close the ports of France, if she could, against ships laden with provisions, though they were neutral craft and carried no article of war; to shut America forcibly off from trade with the French West Indies, which France herself had declared free while the war should last; and to confiscate all French goods found on American vessels. "The treaty from one end to the other," exclaimed Mr. Madison, "must be regarded as a demonstration that the party to which the envoy belongs is a British party, systematically aiming at an exclusive connection with the British government, and ready to sacrifice to that object as well the dearest interests of our commerce as the most sacred dictates of national honor"; and many another sober man, whose sentiment was not for France or the Rights of Man, but for the new government and the hard-bought independence of America, echoed the painful conviction. It was no light thing to play so

humble a part. Washington himself hesitated and earnestly sought counsel in the matter. The alternative was war or the acceptance of the treaty. The treaty, for all England yielded so little by it, gained something for peace and amity and trade. In case of war the enemies of the young government, both at home and abroad, would have their day of opportunity. There was no money, no army, no navy. The purses of Europe would now be shut against the young republic. Her trade was with England, and that would be ruined. There seemed no wise choice but that which would certainly bring peace; and Washington chose steadily and firmly, as if there had been no clamor.

WASHINGTON'S WRITING TABLE

Slowly the storm blew off. The commission set up under the treaty in London awarded American shipowners and merchants more than ten million dollars in damages for their losses; trade quickened at every port because of the renewed privileges of commerce with England. The country had obviously gained more than it had conceded, and tardily saw the debt it owed to Mr. Jay and to the administration, whose firmness and prudence had made his mission possible. But in the mean time things had been said which could not be forgotten. Washington had been assailed with

unbridled license, as an enemy and a traitor to the country; had even been charged with embezzling public moneys during the Revolution; was madly threatened with impeachment, and even with assassination; and had cried amidst the bitterness of it all that "he would rather be in his grave than in the presidency."

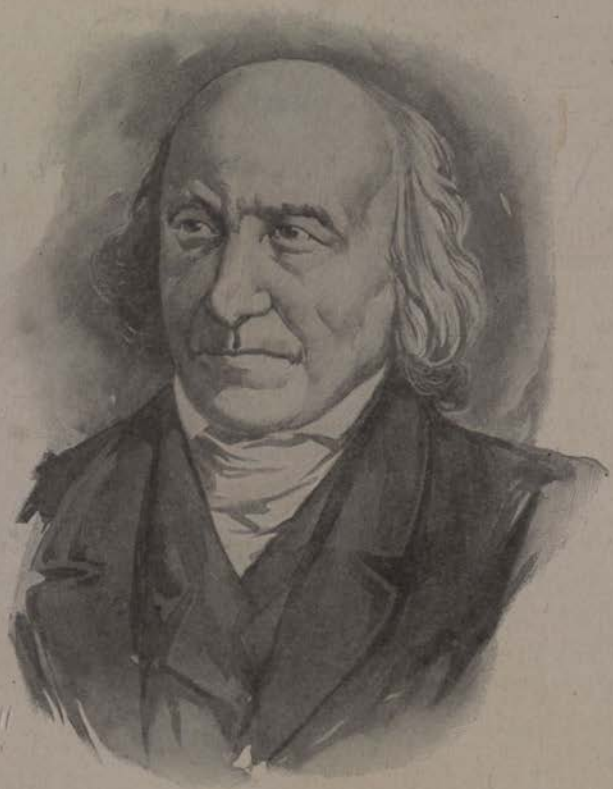
The country knew its real mind about him once again when the end of his term came and it was about to lose him. He refused to stand for another election. His[1] farewell address, with its unmistakable tone of majesty and its solemn force of affection and admonition, seemed an epitome of the man's character and achievements, and every man's heart smote him to think that Washington was actually gone from the nation's counsels.

The country, moreover, had swung once again to the Federalists before Washington withdrew,—the one man whose personal force and command upon the country had given the party its field and opportunity. Federalist majorities were returned to both houses of Congress in the autumn of 1796, notwithstanding the French frenzy and the treaty; and Mr. Adams was chosen President. There was no longer any unanimous choice. Mr. Adams received seventy-one of the electoral votes; Mr. Jefferson received sixty-eight and became Vice President. It was a narrow margin of preference.

When Washington gave place to his successor a certain distinction seemed to pass from the office of President, which only he, whom all the world knew, could give it. Mr. Adams had a national standing second to no man's save Washington himself; but he had not stood, as Washington had, in the gaze of the

[1] See page 262.

whole world, the maker of a nation; and when he became President affairs seemed to settle to a more work-



Albert Gallatin ALBERT GALLATIN

aday level, where parties could fight upon a parity, unembarrassed by the President's personal prestige. Mr. Adams had shown a dignity, a capacity, and a devotion in the public service which had marked him

THE UNITED STATES, MARCH 4TH, 1801.

both at home and abroad as a statesman of the highest principle and the most excellent gifts; but he was still the John Adams of the Revolution, stung by jealousies which he tried in vain to conquer, too sensitive, too hasty, too acid in judgment, erratic, intolerant, irascible, sometimes irresolute,—a man to trust in the long run and to stand loyal to with steady purpose, but not a man to love or to deem above parties.

His four years of office saw the questions which had darkened and perplexed Washington's second term mature and bear their unpalatable fruit. War with England had been avoided, but not war with France. France had hoped for and expected the success of the Jeffersonian Democrats in the elections; the French minister to the United States had even so far forgotten himself as to make a plea in the public prints for the principles and the party of Jefferson, the friend of France, and had uttered thinly veiled threats that the success of the Federalists in the presidential election would lead France to regard America as virtually an English dependency, to be treated as if as much an enemy as England herself. The cockade of the French republic became for the nonce the emblem of the partisans of Mr. Jefferson. The struggle for the presidency looked for a little like a game between French and English for political advantage. With such things in the air the success of the Federalists was the more assured. The country's irritation over Mr. Jay's treaty, it is true, had not cooled, and the Federalists seemed too much in the English interest to please men whose patriotism was quick to be jealous and take alarm; but the impudence of M. Adet, the French minister, and the unblushing aggressions of the French

and their partisans were for the moment worse yet, and the Federalists kept their posts of authority.

When once the result of the election was known France put away all pretence of friendship. Already she had declared herself released from the treaties of commerce and alliance by which she had bound herself to the United States in 1778,—released by the mere fact that Mr. Jay had negotiated and the United States had accepted a treaty with England. Ever since 1793 she had been seizing American ships and cargoes on the high seas as she pleased, as freely and with as little regard for right as England herself. Her depredations upon the commerce of the country had been less serious than those of England only because her cruisers were less numerous than the English and did not move as freely upon the seas. Now she quickened her aggressive action, like a power at war. She even extended her seizures, searches, and confiscations to the very waters of the United States themselves. General Washington, during the closing months of his term as President, had recalled Mr. Monroe, then the minister of the United States at Paris, deeming him too much infatuated with French principles, too sentimental a friend of the government to which he was accredited, to act with proper vigor. The Directory of the heady republic refused to receive any other minister in his place until its grievances against the United States had been redressed. Its grievances were summed up in America's friendship for England, and Mr. Jay's treaty as an earnest of that friendship. Mr. Adams hurried three ambassadors over sea to secure accommodation and avoid war: Mr. John Marshall, Mr. Elbridge Gerry, and Mr. Charles Cotesworth Pinckney (June, 1797). M. Talleyrand,

IMPRESSMENT OF SEAMEN

the foreign minister of the Directory, would not treat with them in person. His agents (MM. "X," "Y," and "Z," the ambassadors designated them in their despatches) prescribed terms alike dishonorable and humiliating; even demanded money, "a great deal of money," "for the pockets of the Directory," as the price of accommodation; and war became inevitable. "I will never send another minister to France," declared Mr. Adams, in a message to Congress, "without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation."

The war was brief and of no significant consequence in itself. No formal declaration of hostilities was made. There was only a season of sharp retaliation. A separate navy Department was created (April 30, 1798); existing treaties with France were declared abrogated (April 7, 1798); American vessels of war were expressly authorized to attack French cruisers (July 9, 1798); and active reprisals were begun. The little navy of the country, but just now reinforced by a few new frigates of first-rate strength, acted upon the permission to fight with spirit and success. American cruisers and privateers alike set about preying upon French commerce with the activity of genuine satisfaction. Measures were taken to raise an army, and General Washington was asked to take command of it. The publication of the extraordinary proposals of MM. X, Y, and Z to the American commissioners had effectually silenced every partisan of France, and war with the country's one-time friend and ally had become for the moment almost popular. But fortunately the exposure of the intrigue attempted by the agents of M. Talley-

rand had made a most unfavorable impression in France itself; Talleyrand saw that he must undo what he had done; and intimations were given early in 1799 that France would receive a minister from the United States

PRINCE TALLEYRAND

and discuss honorable terms of accommodation. By the time commissioners of the United States were ready to discuss terms at Paris (March 30, 1800) the Directory was no longer in charge of the affairs of France. The Consulate had been set up, and Napoleon Bonaparte was First Consul, a master of men at least, with whom

it was possible to make definite agreements, as if with a real government.

The terms of agreement, however, were by no means easy to decide upon. The American commissioners were instructed to secure indemnification for the losses France had wrongfully inflicted on American commerce; they were also instructed to secure the formal abrogation of the treaty of 1778, which had accorded to French privateers privileges in American ports which it was no longer wise or convenient to accord them, and which had pledged the United States to such a defence of the French possessions in the West Indies as they no longer felt justified in undertaking. But they could not get both indemnification and a release from the treaties. They were obliged to forego compensation for the French spoliations in order to get peace and relieve themselves of the burdensome obligations of the treaty of 1778, which, there having been no formal declaration of war, they could not insist upon having escaped from. A twelve-year convention, restoring amicable relations between the two countries, securing neutral ships against search and seizure, embodying a sensible and enlightened code of definitions with regard to the rights of belligerents and neutrals, and adjusting minor questions of dispute, was all that they could get. By February, 1801, such terms as could be had were agreed upon. It was Mr. Jay's experience repeated.

But the war had ruined the great party whose leaders had framed the constitution and set the government afoot. At first it had seemed its legitimate triumph, and something like the hearty support of the country had been extorted. The Federalist majority in the House of Representatives, doubtful of its power at the

outset of Mr. Adams's administration, had by the elections of the autumn of 1798 been made strong and con-

ELIAS BOUDINOT

fident. The country evidently had not been displeased to see "France and all the world" convinced, as the President had declared he meant to convince them, that

the people of the United States were not "a degraded people, humiliated under a colonial spirit of fear and sense of inferiority"; and opinion seemed about to regain tone and self-possession.

But moderate counsels forsook the ruling party in the midst of its apparent triumph. Throughout four whole years the country had been kept under the excitement and anxiety of the trouble with France, not knowing whether it was at war or at peace,—from the recall of Mr. Monroe in December, 1796, until the conclusion of the convention with France in September, 1800. Throughout all that time a storm of bitter defamatory criticism had beat upon the Federalists, which unsettled their temper and broke their self-restraint at the very height and crisis of their success. They had been intrusted with the conduct of the government again and again by the free suffrages of the country, and yet they were assailed with every slander and defamed from half the presses of the towns by the republican partisans of France, who were also suffered and encouraged to be spokesmen against them in every domestic policy. It intensified their resentment and seemed to them a most sinister sign of peril to the country and its government that a great many of the men who were their bitterest enemies, and who used the public prints most scandalously and unscrupulously against them, were foreigners,—Frenchmen and Englishmen who were not even citizens, but mere adventurers, the irresponsible agents of a reckless and almost revolutionary agitation, which might jeopard the very existence of the young government, but ten years established, over which they had been bidden to preside. They therefore, during June and July, 1798, pressed through Con-

gress four drastic statutes, aimed against aliens and against all, whether aliens or citizens, who should foster any kind of sedition. A Naturalization Act (June 18, 1798) increased the period of residence for those who would become citizens from five to fourteen years. An Alien Act[1] (June 25th) and a Sedition Act (July 14th) authorized the arrest and deportation of turbulent and dangerous aliens at the discretion of the President, even in time of peace, and the arrest, trial, and punishment of any one who should either unlawfully combine with others to oppose any measure of government or "write, print, utter, or publish" anything with intent to defame the President or the houses of Congress, or to weaken their authority and bring them into contempt. An act directed against alien enemies (July 6th) authorized the President in time of war to restrain, secure, or remove from the country, as he pleased, all subjects of a hostile power.

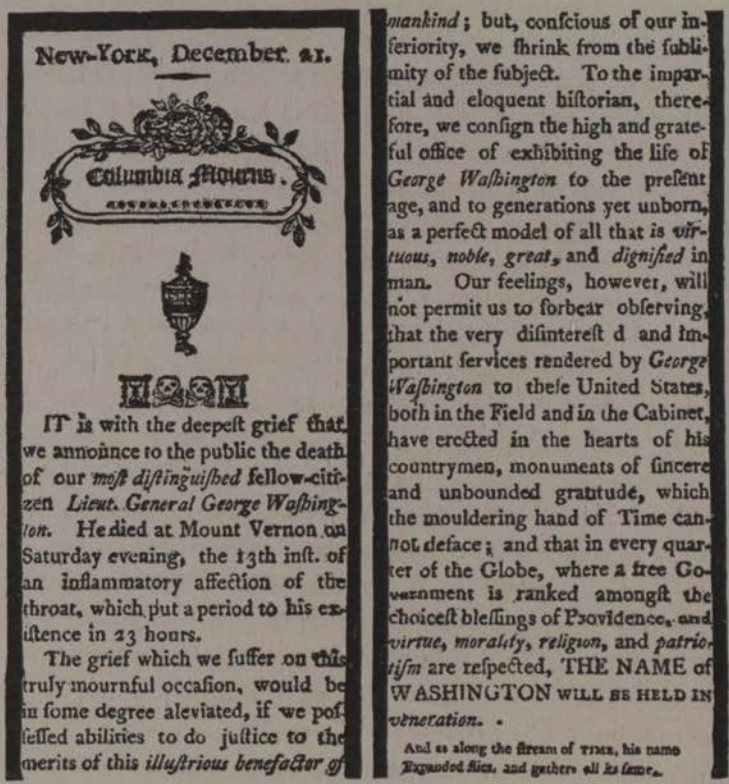
Washington himself approved of these extraordinary laws, so passionately did he love order, hate faction, and fear for the safety of the new Union. Patrick Henry commended them, stout and consistent advocate though he was of the pure principles of thorough democracy. But the whole country presently knew how fatally the Federalists had blundered in passing them. The Alien law deprived foreigners of every privilege "without accusation, without jury, without public trial, without confrontation of the witnesses against them, without having witnesses in their favor, without defence, without counsel," upon the mere suspicion of the President. The Sedition Act cut perilously near the root of freedom of speech and of the press. There was no telling where such exercises of power

[1] See page 287.

would stop. Their only limitations and safeguards lay in the temper and good sense of the President and the Attorney General. Protests came from every part of the country, and grew ominously in volume from month to month,—and petitions for repeal couched in every form and bearing thousands of signatures. It would have been well had the opposition stopped at petitions; but it did not. The legislatures of Kentucky and Virginia went further, much further. Each, in a series of resolutions, drawn in solemn form and sent through their governors to the legislatures of all the other States, as in the days of Parliament's aggression, called the attention of the entire country to definitions of constitutional right as between the people and the federal government which were in the last degree radical and significant, and which seemed to carry with them an air as it were of revolution.

The Kentucky Resolutions (November 8, 1798) defined the constitution of the Union as a compact, whereby the States, the contracting parties, had set up a federal government of definitely specified and strictly limited powers, reserving to themselves or to the people every power not plainly granted; and declared that every State, as a party to the compact, had the right to judge for itself whether the fixed limits of the constitution were observed or transcended by the federal authorities: that it had the right to declare every unwarranted exercise of power void and unconstitutional, and to call upon the other States, its partners in the Union, to join with it in measures of redress. The Alien and Sedition laws they unhesitatingly and emphatically pronounced unconstitutional and of no legal effect. The Virginia Resolutions (December 21,

1798), briefer and milder in tone, were yet equally express in their doctrine that "in case of the deliberate, palpable, and dangerous exercise" by the federal government of powers not granted "by the plain sense



New-York, December 21.

Columbia Mourns.

IT is with the deepeſt grief that we announce to the public the death of our *moſt diſtinguiſhed* fellow-citizen *Lieut. General George Waſhington*. He died at Mount Vernon on Saturday evening, the 13th inſt. of an inflammatory affection of the throat, which put a period to his exiſtence in 23 hours.

The grief which we ſuffer on this truly mournful occaſion, would be in ſome degree aleviated, if we poſſeſſed abilities to do juſtice to the merits of this *illuſtrious benefactor of mankind*; but, conſcious of our inferiority, we ſhrink from the ſublimity of the ſubject. To the impartial and eloquent hiſtorian, therefore, we conſign the high and grateful office of exhibiting the life of *George Waſhington* to the preſent age, and to generations yet unborn, as a perfect model of all that *is virtuous, noble, great*, and *dignified* in man. Our feelings, however, will not permit us to forbear obſerving, that the very diſintereſted and important ſervices rendered by *George Waſhington* to theſe United States, both in the Field and in the Cabinet, have erected in the hearts of his countrymen, monuments of ſincere and unbounded gratitude, which the mouldering hand of Time cannot deface; and that in every quarter of the Globe, where a free Government is ranked amongſt the choiceſt bleſſings of Providence, and *virtue, morality, religion*, and *patriotiſm* are reſpected, THE NAME of WASHINGTON WILL BE HELD IN *veneration*.

And as along the ſtream of TIME, his name
Expanded ſhine, and gather all its fame.

ANNOUNCEMENT OF THE DEATH OF WASHINGTON

and intention" of the constitution, "the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties pertaining to them."

Mr. Jefferson had drawn the original draft upon which the Kentucky Resolutions were based; Mr. Madison had drafted the Virginia Resolutions,—Mr. Madison, joint author of the *Federalist* papers, friend and coadjutor of Hamilton and Washington in the formation of the government of the Union,—a man whose reaction against Federalist policy and whose slow alienation from Washington and Hamilton might well mark for every thinking man the measure of the Federalist mistake with regard to the temper and inclinations of the people they were governing. Mr. Jefferson's original draft, used by Mr. Breckinridge in framing the Kentucky Resolutions, had gone the length of proposing that each State should "take measures of its own for providing that neither these acts nor any others of the general government, not plainly and intentionally authorized by the constitution, should be exercised within their respective territories"; and in November, 1799, the legislature of Kentucky acted upon the suggestion and added to its former Resolutions the even more startling declaration "that a nullification" by the States "of all unauthorized acts done under color" of the constitution was "the rightful remedy."

The "nullification" of federal action by a single State went much beyond the meaning Mr. Madison and Mr. Jefferson had intended the Resolutions to speak. They meant only that, in case of an exercise of federal powers by Congress which was obviously, palpably excessive, the methods supplied by the constitution itself must be used to check it. "The ultimate arbiter," as Mr. Jefferson said, as he looked back to these things in his old age and reassessed his principles of action, "the ultimate arbiter is the people of the Union, as-

sembled by their deputies in convention, at the call of Congress, or of two-thirds of the States. Let them decide. . . . It has been the peculiar wisdom and felicity of our constitution to have provided this peaceable appeal, where that of other nations is at once to force." Congress must not itself be suffered to determine its own powers unchecked. The Resolutions said nothing explicitly of constitutional method; but they implied much, and rang out very significantly upon the tense air of the time. Though no other legislature was willing to echo them, men noted their outspoken doctrine of federal limitations and State rights. The opposition recognized in them a formidable weapon of defence; and no one doubted that it was more than a passing sign of the times that such things should be said.

The last Rites of this dear friend to our happiness and prosperity were solemnized by every token of sincere attachment and regret. Let the following allegorical representation of the publick sentiments evince to posterity and the world that we are not all Apostates,
FUNERAL PROCESSION.
Revolutionary officers and soldiers, Veterans, covered with the scars of wounds received in the cause of Liberty.
LLOYD.
GOODRICH.
WHITE.
BAYARD.
PICKERING.
HILLHOUSE.
MOURNERS.
Hon. N. GILMAN.
MINORITY, in the House of Representatives in Congress, on passing the LAST EMBARGO BILL.
Messrs. Champion, Chittenden, Culpepper, Dana, Davenport, jun. Ely, Gardenier, Gardner, Goldsborough, Harris, Rd. Jackson. Jenkins, J. Lewis, jun. Livermore, Lyon, Masters, Milnor, Mosely, T. Pitkin, jr Quincy, Russell, Sloan, Standford, Stedman, Sturgis, Taggart, Tallmadge, Upham, Van Cortlandt, Vandyke, Van Rensalear,
STATE of
Vermont New Hampshire, Massachusetts, Rhode Island, Connecticut New York, Delaware. Maryland,
FARMERS, MERCHANTS, MECHANICKS. SEAMEN. LABOURERS, and thousands of Citizens of various denominations.
OBITUARY NOTICE:
AMERICAN LIBERTY was born on the Fourth of July. 1776. Her infancy was a scene of constant jeopardy, during which she was protected by the guardianship of the Immortal WASHINGTON, and his

ADVERTISEMENT OF FUNERAL OF LIBERTY

There underlay all this something deeper than the mere antagonisms of party.

Clearly the Federalists had gone too far. The indictment of their enemies seemed proved,—they were the party of power, of autocratic power, and not the party of popular privilege. While the bad impression was at its height, moreover, a serious rift was disclosed in the counsels of the party itself. Mr. Adams broke with Mr. Hamilton. He had continued General Washington's cabinet in office upon his own accession to the Presidency: and had thus put himself in the hands of men who looked to Mr. Hamilton, rather than to himself, for guidance, though Mr. Hamilton was himself no longer a member of the cabinet. The President frequently found it necessary to act without their knowledge or assent, in order to act with independence and without embarrassing interference from outside quarters. He had sent the embassy which concluded peace with France without their knowledge or approbation, greatly to their chagrin and to the deep annoyance of Hamilton, whom they deemed their party leader. Neither Hamilton nor they had wished peace with France. At last Mr. Adams found the friction intolerable. He dismissed his ministers, and substituted others whose unquestioning allegiance to himself he could command, branding the men he dismissed as "a British faction"; and so made the breach with Hamilton complete.

There was here something more than a mere breach between men. It was a breach which cut to the very foundations of the party itself. Hitherto Mr. Hamilton had been the real master of Federalist policy; but he had ruled the party through a minority in its ranks, not by persuasion or any tact of popular force, but by

sheer mastery over men, a power in counsel, a gift of constructive statesmanship unmatched among his contemporaries. Mr. Adams disliked most other strong-willed men, and Mr. Hamilton had made himself almost his open enemy; but something deeper than mere personal antagonism separated them. It was spoken out in Mr. Adams's angry charge that Hamilton and those who adhered to him as their personal chief were nothing better than "a British faction." That was the charge of the opposition. That was the feeling of the country. It was unjust; it was false; but it was not without foundation. It was but a crude, undiscriminating way of interpreting the plain fact, which Mr. Hamilton made hardly a pretence of concealing, that the men who had hitherto led the Federalist party feared democracy, distrusted it with an ineradicable distrust, believed a strong government necessary, which should be intrusted to men of the older traditions of power and of statesmanship received from over sea, deemed the English government, if stripped of its abuses, the safest model of free institutions, and thought England the only European power worth keeping close friendship with in international dealings. They had not accepted the ideals of America set up at the Revolution; had refused to acquiesce in it as a definitive triumph of democracy. They were seeking to perpetuate the ideals of an older world, a more ancient conception of government. It was their lack of sympathy that the country felt. It was their unwillingness, their inability to act wholly for America in every matter of policy, without regard to their preferences for this alliance or that, that made Adams fling them off as a British faction.

And Adams spoke the real preferences of the rank

and file of the Federalist party itself,—the very party which, until that day of breach, Mr. Hamilton had led with an almost undisputed supremacy. It had doubted and been vaguely uneasy even while it obeyed. Hamilton once out of command and its opinions freed from his masterful domination, its ideals in affairs showed no radical difference from those of the opponents whom Jefferson was drilling against it. Federalist voters were not infatuated with the French, as the men of the Democratic clubs had been; they did not dread, as Mr. Jefferson did, the conversion of the government of the United States under their leaders into a centralized tyranny by the mere process of using the powers of Congress and the President with vigor and courage and a touch of constructive statesmanship; they relished the predominance of men who had the temper to rule; but for the rest they were not of Mr. Hamilton's making. They thought first of America in their hopes for the future and their plans for the present, dreaded democracy as little as they dreaded the tyranny of constitutional presidents, were heartily for such measures as should give the country independence and a free hand for its affairs, thought more of their own interests than of handsome or seemly alliances abroad, accepted democracy without squeamishness, and were robust believers in the happy destiny of their institutions. Mr. Adams was much nearer their spirit and temper than Mr. Hamilton and the group of masterful men whom he led; and his breach with Mr. Hamilton cut to the roots of the party itself. By the time another presidential election approached (1800) personal rivalries and antagonisms had robbed the party of coherence and leadership; it had lost its sense

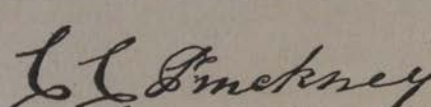
Th Jefferson

THOMAS JEFFERSON

of unity; many who had voted with it felt their sympathies transferred to the other side; and the elections brought it humiliating defeat. Mr. Adams was personally popular enough, commended by his sturdy character, his manifest good faith and independence, his frankness and courage; but the section of his own party with which he had avowed himself out of sympathy was not loyal to him. Hamilton publicly argued that he was unfit for the office he held, egotistical, jealous, indiscreet, and of unsound views in matters of administration; Mr. Jefferson had at last imparted compactness and self-reliant vigor to the Democratic Republican ranks which he led; and Mr. Adams failed of re-election.

No one was chosen President by the electors. As the electoral clause of the constitution then stood, each elector was directed to cast his vote for two persons, without designating which was his preference for President, which for Vice President; and when the votes were opened they were found to stand: seventy-three for Mr. Jefferson, seventy-three for Mr. Aaron Burr, Mr. Jefferson's accomplished lieutenant in New York; sixty-five for Mr. Adams; sixty-four for Mr. Pinckney. It was necessary in such a case that the House of Representatives should itself select a President, from the two leading candidates; and the Federalists still, though for the last time, controlled the House. For a little while they were tempted to put Mr. Burr into the Presidency, rather than endure Mr. Jefferson; but that intrigue failed. Mr. Hamilton was too manly a politician to give it countenance for a moment. He denounced it roundly and induced the members of the majority to let Mr. Jefferson take the Presidency, to which he was

clearly entitled by the well-understood preferences of the electors. But they yielded sullenly. They let Mr. Jef-



CHARLES C. PINCKNEY

ferson come in, not with their votes, but without them, by refraining from voting at all in sufficient numbers to leave his friends in a majority, and lost credit for good temper as well as for good faith.

Their last acts of power confirmed the impression of their critics that they neither trusted the people nor believed any but themselves capable of conducting the government or ruling the country. For more than three months after the presidential election they remained in control of Congress. They used their majority, when the result of the election became certainly known, to make themselves secure, as they hoped, of the possession of at any rate the judicial branch of the government. On the 13th of February, 1801, less than three weeks before the day upon which Mr. Jefferson was to become President, they put through Congress, by a strictly party vote, a Judiciary Act which very considerably enlarged the number of federal courts and judges and added some fifty thousand dollars to the annual judicial budget, notwithstanding the fact that the legal business of the country justified no such expansion of the federal judicial machinery; and Mr. Adams hastened to fill the new judgeships, as well as every other vacant place, great or small, with staunch Federalists. On the 31st of January he had appointed Mr. John Marshall, of Virginia, Chief Justice of the Supreme Court of the United States, an approved lawyer, but a tried Federalist, and but just turned of forty-five. The government of the country passed into Mr. Jefferson's hands as stoutly fortified against change or misuse as a solidly Federalist personnel in the courts could make it.

The whole face of affairs, the very aspect of the government itself, seemed to change when Mr. Jefferson became President. For one thing, the seat of government was transferred from Philadelphia, the busy city and mart of trade, with its seventy thousand inhabitants,

to the rural spaces of the new federal District of Columbia. The removal had been effected in the summer of 1800, during the closing months of Mr. Adams's administration, and had suitably marked the *exeunt* of the Federalists, the party whose rule had been planned to draw about the federal government the support of the merchants, the bankers, the property owners, the chief men of means and influence in society and affairs, the men of the centres of trade, whose interests were larger than those of any single State or neighborhood. An extensive city, to be called "Washington," had been plotted in the fields and woodlands which lay upon the northeastern bank of the Potomac, on the portion of land which Maryland had ceded for a federal district. The building of an official residence for the President had been begun in 1792, and the corner-stone of a capital building had been laid by General Washington in September, 1793. Some quarters for the executive departments had been erected; a few houses had been built here and there at long intervals upon the projected streets of the new city; and speculators had bought land there in expectation of high prices to come. But only one wing of the Capitol was completed when the government was at last actually transferred. The Congress had to be temporarily housed. The President's residence was the only dwelling of any pretensions ready for occupancy. The streets of the quiet place ran through bits of forest, like avenues in a wild and wooded park, or were lost in open fields, where there was neither fence nor dwelling. There were not houses enough in all the spreading plot of projected avenues and squares to furnish members lodging during the sessions of the Congress. Some had to make their

way as best they could over several miles of soft and miry road to find quarters. The stately proportions of the White House and of the rising Capitol looked

Eli Whitney ELI WHITNEY

strangely enough in such a place. Life there was a sad exchange for the comforts and the social stir and brightness of Philadelphia; and government could not seem there the handsome thing of etiquette and

dignity and formal show of authority that the Federalists had made it appear in a city.

It was the more suitable place on that account for the coming in of Mr. Jefferson, and the change of scene and atmosphere which was to come with him. Here was a place for real democracy to be brought in, without show or circumstance. Mr. Adams set out upon his long ride homeward early on the morning of the 4th of March, having no stomach to wait and see Mr. Jefferson take the Presidency. The new President, accompanied by a few friends, and escorted by a company of Virginian artillery, as guard of honor, walked quietly from his boarding house to the Capitol; there took the oath of office and read his address to the people; and a new régime was inaugurated. John Marshall, the new Chief Justice, twelve years his junior, administered the oath; and the two men, as they stood thus face to face, Virginians both, bred to the same principles of life and courtesy, but opposite in every principle of politics, must have seemed to give each his silent challenge to the future in the act.

A noteworthy and momentous thing stood revealed in the simple ceremony. The democratic forces which had set the Revolution ablaze, and which had operated through seven years of war and reconstruction to work a radical change in the temper and practice of the whole country in public affairs, now once again reasserted themselves and took possession of the seats of government. They had been temporarily discredited during the troubled years when the Confederation was the makeshift government of the country,—discredited by the jealousies, the riotous disorders, the gross turbulence and distempers of the time. The new Union had

been formed and the new constitution framed to check and govern them. The Federalists' twelve years' labor of organization had been undertaken and carried forward while the reaction lasted: to make strong the forces of conservatism, school the people in order and self-restraint, and make solid once more the foundations of authority. Democrats had spent their lungs, the while,

OLD COURT HOUSE, NEW ORLEANS

in the cries of the French Revolution and in passionate outbursts against England and against all who parleyed with her. They had seen no vision of national duty, no workable creed until the Alien and Sedition laws were passed, and the Sedition law enforced against editor and pamphleteer. Then they had had sight at last of the constitutional principles and the domestic policy for which they must fight. Mr. Jefferson and Mr. Madison had cleared their thought with the strong

sentences of the Kentucky and Virginia Resolutions,—no programme, but a warning cry which no man failed to hear or to understand; and the election of 1800 disclosed, behind Mr. Jefferson, no longer a body of agitators merely, but a national party, ready to play the sober rôle of administering a government.

Nothing could exceed the fine tact and gentleness with which Mr. Jefferson gave tone of order and patriotic purpose in his inaugural address to the new way of government his followers expected of him. "We are all Republicans, we are all Federalists," he exclaimed; "we are not antagonists, but live by an absolute acquiescence in the decisions of the majority, the vital principle of republics." "To preserve the peace of our fellow citizens, promote their prosperity and happiness, reunite opinion, cultivate a spirit of candor, moderation, charity, and forbearance towards one another," are "objects calling for the efforts and sacrifices of every good man and patriot." "Let us unite with one mind," he urged, in tones so quiet, so sweet and sincere of accent as to calm every mind they touched; "let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things. And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions."

And what he did soon gave excellent proof of his sincerity. Mr. Jefferson was an interesting mixture of democrat, philosopher, and patrician. In taste and occupation and habit he touched and was familiar

with the life of the cultured and moneyed classes, the aristocracy of the young nation. which constituted the Federalist strength. In creed and principle he was the comrade and work-fellow of the people. By gift of insight and genius for organization he was a leader of parties and of concerted action in affairs. An infinite sensibility taught him moderation, lent him tact, pointed out to him the practicable courses of persuasion and the certain prospects of popular sup-

VIEW ACROSS THE NORTH RIVER, 1796

port. His personal charm, his high breeding without arrogance or pretence, gave him hold upon every one with whom he came in contact. No other man could have so moderated, or so completed, a revolution in the spirit and conduct of the government.

For a revolution it was, profound and lasting. Undoubtedly the chief merchants, the chief men of means and of responsible trust, the chief men of parts and learning and social influence in the country were Federalists. They looked upon Mr. Jefferson as "an atheist in religion and a fanatic in politics"; and they

dreaded the direct thrusts of democracy at the careful system they had reared, as likely to be little less than the throwing down of the very props of society itself. Mr. Hamilton, more than any other man in their ranks, spoke their purposes and fears. It had been his wish and effort at every turn of policy in which he had any part to make the federal government virtually master of the affairs of the nation, fortified with an overwhelming strength against every force, whether of the States or of individuals, that might antagonize it. He believed, as his enemies supposed, in the maintenance of a strong army, even in time of peace. He wished to see the States absolutely subordinated to the general government. He thought the opinions of the masses an unimportant and negligible thing in the choice of policy. "No man," he said, "has sacrificed or done more for the present constitution than myself; and, contrary to all my anticipations of its fate, I am still laboring to prop the frail and worthless fabric." Assuredly he had labored for it. He had played no small part in establishing it also. But he had wished to have it serve as a buttress against democracy, a safeguard against the fickle play of opinion and the caprice of men unschooled in affairs.

Mr. Jefferson's was an opposite school of thought. "I am persuaded," he said, "that the good sense of the people will always be found the best army. They may be led astray for the moment, but will soon correct themselves." His belief was wholly sincere, aristocrat though he was in life and breeding and in instinctive aptitude for power; and it was wholesome for the country that the forces he so moderately and graciously represented should thus early gain their inevitable

A

SOLEMN ADDRESS

TO

CHRISTIANS & PATRIOTS,

UPON THE

APPROACHING ELECTION

OF A

Preſident of the United States:

IN ANSWER TO A PAMPHLET, ENTITLED,

"Serious Conſiderations," &c.

NEW-YORK;

PRINTED BY DAVID DENNISTON.

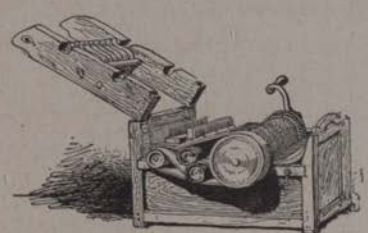
1800.

TITLE-PAGE OF A CAMPAIGN DOCUMENT, 1800

ascendency. It was impossible that the ruling classes of the older days should continue to govern the young nation now springing into life. Mere growth and change of life had broken every bond of habit and restraint of form. The nation of 1800 was not even the nation of 1790. Its population had grown in that decade from 3,929,214 to 5,308,483, and had spread itself northward and westward and northwestward, to Lake Ontario and round about to the St. Lawrence and Lake Champlain; to Lake Erie and into the Ohio country; and into Kentucky and Tennessee, until great communities mustered there more than three hundred thousand strong. Vermont and Kentucky and Tennessee had been added as States to the Union, and had brought the spirit of the frontier with them into its counsels. It was not the cities that grew, though they had their growth with the rest, so much as the spreading country-sides. The great spaces of virgin land at the west were filling in, and there stirred everywhere the air of enterprise and change.

No group of men could restrain, or measure, or even guide the quick, expanding life of that young people, before whom all ways of conduct and endeavor were open to be tried and made test of, in whose hands all things were making and to be made. Their industry kept pace with their numbers. The Parliament in England forbade any one to take out of England any industrial machinery whatever, or even the plans of machinery invented or perfected there; but it was impossible to keep as a secret and monopoly what master mechanics who chose to go to America could take away in their heads and in their trained and skilful fingers; and slowly the carefully guarded secrets of manufact-

ure passed over sea. By 1790 Samuel Slater had set up a cotton-spinning factory, with complete machinery after the English models, at Pawtucket, in Rhode Island. In 1793 Eli Whitney, a Connecticut school master living in Georgia, invented a practicable gin for clearing cotton of its tenacious seed, and the South had no sooner realized what this new instrument meant than it suddenly sprang into competition with India and Egypt in supplying the world with cotton. In 1791 less than two hundred thousand pounds of cotton had been shipped out of the country; in 1800 nearly twenty million pounds went over sea. Everything that America produced found market, despite all obstacles. The trouble with England while Washington was President, the trouble with France while Mr. Adams ruled, had checked and jeoparded trade; but trade had strengthened and increased with an irrepressible growth, nevertheless. Nearly twice as much flour and wheat left the ports in 1800 as had been sent out in 1791. American ships were to be found in every sea, and carried cargoes of every sort.



WHITNEY'S COTTON GIN

No class or region or single school of politicians or thinkers could keep the mastery or determine the course of such a people, growing after such a fashion, on such a continent. Democracy, free force, an equal footing for all men in opinion, effort, and attainment were the very conditions of its being: there could be no leading-strings. Mr. Jefferson spoke the spirit of the day, its

only acceptable principle in affairs. The government had passed into the hands of the people's party.

Its programme, as Mr. Jefferson spoke it, accorded with its origin: The restriction of federal powers within strait constitutional limits, an unembarrassed field for the powers of local self-government within the several States, the payment of the public debt, the reduction of the armed forces of the country, and consequently of the taxes, to the lowest practicable point, and as nearly as might be free trade at the ports: a government simple, inexpensive, unmeddlesome. Some of the latest and most partisan acts of the Federalists the new Congress, with its working majority of Republicans, proceeded to undo. The Judiciary Act, by which the Federalists had called new federal courts into existence to fill them with judges of their own party principles, was repealed, and the new courts were abolished almost before they had been organized. The other officials whom Mr. Adams had put into office during the closing days of his term were dismissed, and Republicans were put in their places. A few Federalist office-holders who had been offensively loud, partisan, and industrious in working against Mr. Jefferson's election, and who had used their official power to influence the vote at the polls, were also removed and replaced by men of the President's party. Sixteen federal officials were dismissed without cause assigned, in order, no doubt, to put the public service more in accord with the views of the new head of the government. All who were imprisoned under the odious Sedition law were at once pardoned and released. The law itself had expired by limitation; and Mr. Adams had not used the authority conferred upon

SPEECH

OF

THOMAS JEFFERSON,

PRESIDENT OF THE UNITED STATES,

DELIVERED

AT HIS INSTALMENT,

MARCH 4, 1801,

AT THE CITY OF WASHINGTON.

WITH TRANSLATIONS INTO THE

FRENCH, ITALIAN, AND GERMAN TONGUES,

PARIS,

PRINTED AT THE ENGLISH PRESS.

TITLE-PAGE OF JEFFERSON'S INAUGURAL ADDRESS

him by the law against aliens. The Federalist Naturalization law of June, 1798, which required a residence of fourteen years as a condition precedent to the acquisition of citizenship by a foreigner, was repealed, and the old period of five years restored.

But there the reaction stopped. The new Congress reduced the federal taxes, and the customs duties at the ports; cut down the army and navy establishments; retrenched expenses and lessened burdens, as had been promised and expected; but the despondent forebodings of those Federalists who had looked to see a fatal retrogression in the character of the government were not fulfilled. The people's men were not, after all, "Jacobins and miscreants," and Mr. Cabot was apparently not yet justified in considering "democracy to be the government of the worst." Mr. Jefferson called Mr. Madison to the Secretaryship of State, a man whom all the country knew to be a patriot and a statesman. He made Albert Gallatin, of Pennsylvania, Secretary of the Treasury, and financiers soon learned to trust the clear-headed Swiss for judgment and capacity almost as much as they had trusted Mr. Hamilton himself. There was, at any rate, no revolution in the business methods of the government.

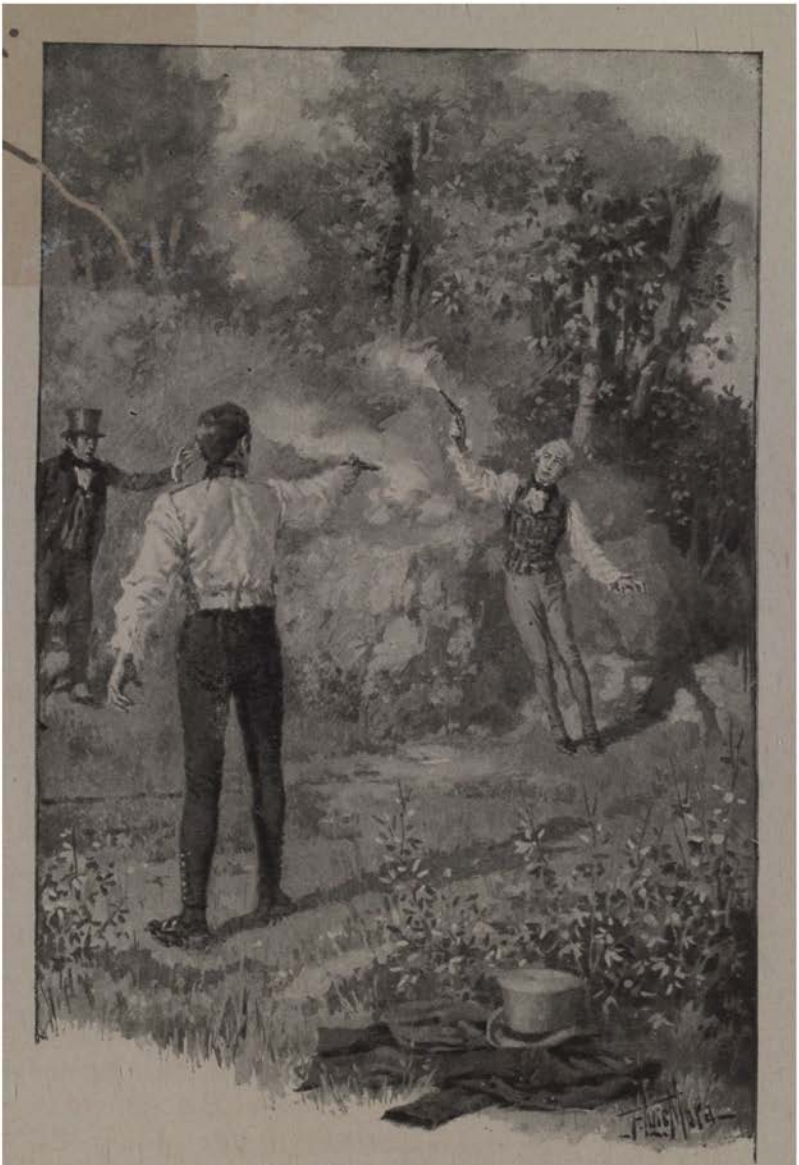
Mr. Jefferson was too wise a politician to alienate the very men whose suffrages had brought him into office. He knew that many thoughtful men who had before always voted with the Federalists had in the last election voted for the Democratic Republican electors, —not because ready to see the government experimented with, but because they hated the taxes with which the Federalist Congresses loaded them, disliked the new tone and temper of the Federalist leaders, and believed

that, for all they were so radical in their talk, the leaders of the opposition would simplify the government without weakening it or doing it damage. He

WILLIAM PINKNEY

knew that he was on trial to prove his conservatism as well as to prove his capacity for reform. He meant to prove himself no enemy of an efficient federal government, but only an enemy of extremes.

It turned out that he had judged the temper of the country and the posture of affairs to a nicety, and had brought in a new régime which was to give its opponents abundant time to assess its qualities. Mr. Jefferson remained eight years in office; and handed on the presidency to men of his own school of political principle who kept it for sixteen years more. He was elected for a second term (November, 1804) by an overwhelming majority. Mr. Charles Cotesworth Pinckney and Mr. Rufus King, the candidates of the Federalists, received only the votes of Connecticut and Delaware, added to two of the eleven votes of Maryland. The country had turned with a sort of mild enthusiasm to the new party, which seemed with every year to grow more national and more typical of the natural disposition and principles of America. The more ardent Federalists grew very black and bitter under the sharp discipline of such a change, and talked intemperately and with a touch of reckless disloyalty of breaking up the Union rather than submit to the new régime. Hamilton, more wise and more patriotic, rebuked them passionately. "You are going to Boston," he wrote to Colonel Trumbull. "You will see the principal men there. Tell them from me, as my request, for God's sake, to cease these conversations and threatenings about a separation of the Union." But Mr. Hamilton's influence was presently withdrawn. Mr. Burr, the Vice President, stung by Hamilton's attacks in a bitter political quarrel, in which words ran hot and unguarded on both sides, challenged him to a duel, which ended in a fatal tragedy (July, 1804). Mr. Hamilton was killed, and the one commanding figure among the Federalists was removed. They lost in-



THE HAMILTON-BURR DUEL

fluence with every election, and the hands of the Republicans were free, in the presidency and in Congress.

The new unanimity in affairs sprang, not out of the repeals, retrenchments, and reforms of the party newly come to power, so much as out of its popular action in national affairs. For all their professions of an opposite set of principles in government, its leaders acted as its more conservative supporters had expected, —very much as Washington or Adams or Hamilton would have acted, when there was occasion to vindicate either the authority or the interests of the Union. Mr. Jefferson was hardly installed in office before news reached America that Spain had re-ceded the great province of Louisiana to France. It was one thing to have all the western bank of the Mississippi, its outlet at the Gulf, and all the continent between the Mississippi and the Pacific controlled by Spain, who had lost her power in the world; but it was quite another to let it pass into the hands of France, and Bonaparte her leader. "The cession of Louisiana and the Floridas by Spain to France," wrote Mr. Jefferson, the lover of peace and friend of France, to Mr. Livingston, the American minister at Paris, "completely reverses all the political relations of the United States, and will form a new epoch in our political course. There is on the globe one single spot the possessor of which is ou natural and habitual enemy. It is New Orleans, through which the produce of three eighths of our territory must pass to market. France, placing herself in that door, assumes to us the attitude of defiance. Spain might have retained it quietly for years. . . . The day that France takes possession of New Orleans . . . seals the union of two nations, who, in conjunc-

tion, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the

ROBERT R. LIVINGSTON

British fleet and nation." An intense excitement spread through all the western country, which grew to a still quicker fever when it was learned that the

Spanish governor at New Orleans had practically closed the port against the western trade, by way of preparation for the transfer to France.

Mr. Monroe was sent to join Mr. Livingston at the French court. He was authorized to purchase Florida and a strip of the coast which should include New Orleans. He found Bonaparte willing to sell the whole of Louisiana or nothing.[1] The American commissioners, therefore, exceeded their authority and agreed to buy the whole of the vast territory for fifteen million dollars. Bonaparte congratulated himself that he had replenished his purse for a war with England and had turned over to the United States lands and resources which should make them able themselves some day to humble England, even on the high seas and in trade.

Mr. Jefferson admitted that he could find nowhere in the constitution authority to buy foreign territory, and professed himself very anxious about the awkward situation that had arisen. He believed that such a purchase would be beyond the precedent even of Mr. Hamilton's "implied powers," and wished a constitutional amendment passed to make good what his representatives had done and he could not decline to accept. "I had rather ask an enlargement of power from the *nation,* when it is found necessary," he said, "than to assume it by a construction which would make our powers boundless. Our peculiar security is in the possession of a written constitution. Let us not make it a blank paper by construction." But in the same breath with which he urged his scruple he declared his readiness to abandon it. "If our friends think differently," he said, "certainly I shall acquiesce with satisfaction, confiding that the good sense of our

[1] See page 295

country will correct the evil of construction when it shall produce ill 'effects"; and the houses agreed to the treaty and voted the money for the purchase without so much as proposing an amendment (1803). The President acquiesced with startling facility in the apparent "necessity of shutting up the constitution" in such exigent cases of imperative policy. No one but the more extreme and partisan Federalists would patiently hear of any scruples in the matter. Nowhere except in New England was there sharp and acrid dissent.

Mr. Jefferson had given the country its first taste of his real quality in action. He was a Democrat, a people's man, upon conviction, genuinely and with a certain touch of passion; but he was no lawyer. He stickled for a strict construction of the constitution only when he thought that a strict construction would safeguard the rights of common men and keep the old Federalist theories of government at arm's-length: not because he disliked to see the country have power as a nation, but because he dreaded to see it put in bondage to an autocratic government. He wanted as little governing from the federal capital as might be; but as much progress as might be, too, and as much access of power and of opportunity to the people as a body of free men, unshackled by any too meddling government. It was his weakness to think it safe for the friends of the people to make "a blank paper" of the constitution, but the very gate of revolution for those who were not Democrats. If only Democrats led, "the good sense of the country would correct the evil of construction when it should produce ill effects"!

In the older and more stubborn Federalists it naturally

bred a sort of madness to see Mr. Jefferson turn loose constructionist to do the very things which they most dreaded in their political calculations. In New England it seemed to many who were high in the Federalist counsels a thing not to be borne that a great field of

HAMILTON'S RESIDENCE. THE GRANGE

expansion should be opened at the very doors of the South and West, to the undoing of the East, which had no free space in which to grow, and must lose her weight in affairs when the West came to its power. It was this that made them talk of disunion and of an independent Confederation to be set up at the North, despite the protests of Mr. Hamilton, who believed the purchase to be constitutional and knew it to be wise.

But they were in a hopeless minority. Even Mr. Jefferson's attacks upon the judiciary, that last stronghold into which they had been driven, failed to bring on the storm they wished for. The process of impeachment was actively set afoot, that same year 1803, to effect the removal of such federal judges as made themselves most obnoxious to attack. The Democratic leaders of the House announced it as their theory of impeachment under the constitution that it was not a criminal prosecution but only a process of removal. Its ground, they said, need not be any crime or legal misdemeanor. Such acts sufficed to support it as made the judge called in question an instrument of opposition to the course of the government. A decision declaring an act of Congress unconstitutional would support it. It must be considered a means of keeping the courts in reasonable harmony with the will of the nation. Here was enough and to spare to feed the fears and the rising anger of the Federalist leaders.

But Congress itself declined the theory. Judge Pickering was removed from office because of gross irregularities of conduct; but Judge Chase was acquitted, despite his violent partisanship outspoken from the bench. The Senate would not oust merely for opinions held, and the courts were safe. The Federalist leaders found, moreover, that their own partisans, upon whom they had thought that they could reckon, gave them no countenance. It was impossible to arouse or alarm them. Mr. Jefferson had proved no monster, after all, but an amiable and attractive gentleman, graceful in conciliation, and apparently honest in his desire to serve the whole country, spite of what was said against him.

He had surrounded himself, besides, with capable men, whose ability and integrity the whole country recognized. His Secretary of the Treasury was able, so sound did his management of the finances prove, to arrange for the payment of the fifteen millions due for the purchase of Louisiana without asking Congress to lay an additional tax. "I greatly fear that a

EARLY VIEW OF WASHINGTON CITY

separation would be no remedy," wrote George Cabot to those who would have led in the Northern secession. The source of our evils "is in the political theories of our country and ourselves. We are democratic altogether," and can expect nothing salutary "while we retain maxims and principles which all experience and reason pronounce to be absurd." "It is impossible to alarm, much less to convince, a large portion of the Federalist party here of their danger," explained Mr. Higginson to the radicals in Congress. "A small

part only of those called Federal are sound in their opinions and willing to look into their real situation. Many even of our own party have as much yet to unlearn as to learn. They have yet much of the democratic taint about them." Even extremists saw that they would have no following in revolutionary courses, and would have to wait for some grosser provocation, "which should," as Mr. Cabot said, "be very generally felt and distinctly understood as chargeable to the conduct of our Southern masters, such, for example, as a war with Great Britain manifestly provoked by our rulers." Almost the whole country outside their narrow coterie rejoiced in the acquisition of the lands beyond the Mississippi. To the southerner and the westerner it seemed a mere consummation of destiny, inevitable and not to be debated. The President turned, with such ease of conscience as he could command, to other things.

OLD STATE HOUSE, HARTFORD

"Other things," it turned out, were to involve still more Federalist-like policy as affairs shifted: were to involve, in the end, a new set of troubles with England and France which were as serious as those which had made such mischief in Mr. Adams's time, and which as inevitably led straight towards war and taxes and federal activity in foreign affairs, the pet

aversions of the President and of every man who held the strict Jeffersonian creed in politics. Had Europe been at peace, America might have had her day of adolescence unchecked and clear of embarrassment. But France had set all Europe afire, and America, it turned out, was to be drawn into the storm,—was not to be suffered to be the only neutral, lest her advantage should be Europe's ruin.

All the world being at war, hers was the only flag under which cargoes could make their way into European ports. It was the recognized law of nations that every ship that carried the flag of a belligerent was subject to be taken and made prize of by an enemy's cruisers. England's merchantmen could go abroad upon the seas with impunity enough, because England's navy dominated the ocean waterways; but half of the ports of the continent were closed against them. French and Dutch ships did not venture out of port. Spain gave up her attempt to bring Mexican dollars and the ingots of the Peruvian mines out of the south under convoy in her own bottoms. That and all the rest of the carrying trade of the world fell to American skippers, who were free, as neutrals, to go where they pleased. They fetched cargoes of every kind from every quarter of the globe; put in with them at American ports, in order that they might there be reshipped; and took them thence to their destinations as neutral goods in neutral bottoms. The products of both Indies poured in at the ports of Holland, Spain, and France, without let or hindrance, if only Yankee skippers brought them; and made their way by river and canal to the markets of every kingdom and principality whose resources Bonaparte was using to subdue the world.

Those who fought him seemed defeated by neutral trade, by means of what seemed to them, at that tremendous crisis, merely war disguised,—a veritable fraud of neutral flags by which the laws of war were annulled. Bonaparte could never be beaten unless this uninterrupted stream running into his coffers were somehow cut off.

England's only mastery was on the sea. If she could not cut off the conquering Corsican's resources there she could not hope to check him at all. For a little while she observed nominal peace with him (1802–1805), but that was soon broken. Nelson had utterly destroyed the French fleet at the Nile (August 1, 1798); and now broke the naval power of Spain and of France alike on the great day of Trafalgar (October 21, 1805). But on land, apparently, the Corsican could not be beaten. England determined that at least his coasts should be shut up and the trade of his allied and subject states destroyed; and, since she could not make an actual blockade of all Europe, she resolved to make a paper blockade, and enforce it as she might by captures at sea. By a series of Orders in Council (May, 1806 – April, 1809) she virtually declared every port of Europe and the Indies closed against neutral trade. Napoleon answered with a series of decrees (November, 1806 – August, 1810) which closed every

ARCH STREET, PHILADELPHIA, IN 1800

English port also, so far as such cruisers as France had left could close them, or seizures in French ports make the orders good. Fine, condemnation, even capture and confiscation were to be the penalties imposed on all who should be caught ignoring the mandates of either imperious leader in that desperate combat of nations.

America was not the special target of these extraordinary measures. They were simply unprecedented acts of war in a struggle which had at last transcended every rule and standard. But America's trade was likely to be cut away at the roots as effectually as if all Europe had declared war against her. Moreover, she was helpless. Mr. Jefferson had brought a party to power which had dismantled the navy which the Federalists had begun. The few ships that remained were tied up at the docks out of repair, out of commission, or lacking crews and equipment. English cruisers overhauled American merchantmen when and where they pleased, looked into their manifests and bills of lading, forbade them their voyage if they chose, and took their seamen off to serve in their own crews.

It was indisputable English law that a British subject's allegiance was indefeasible and could not be renounced. Many a man upon American ships was in fact a deserter from the British navy, where the pay was poor enough and the discipline brutal enough to make any man wish for respite and escape. English captains were simply reclaiming runaway Englishmen, their government said. They were fighting single-handed against Napoleon with all Europe at his back; they could not suffer their navy to be drained of its men at such a time as that, when liberty the world

over, it might be, was staked upon their success. Thousands of her sailors were in fact deserting; it was notorious where they went; and they must be found. Many of the men who were impressed could show American naturalization papers; but no naturalization papers could avail for their exemption from impressment if allegiance were indefeasible. The bitter and intolerable thing was, that British officers made no pretence

NEW YORK ABOUT 1800. FROM THE NORTH

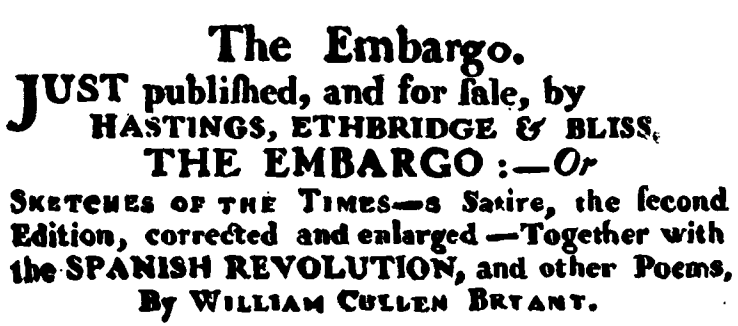
of investigation; took what men they chose, American or English, not declining negroes even; and insulted the flag of the United States by every method they employed. Insult reached its climax when the English cruiser *Leopard* followed the American frigate *Chesapeake* out of Hampton Roads, fired upon her, and took four men from her as deserters,—the *Chesapeake* having but a single gun ready for use (1807).

Mr. Jefferson saw the face of war in all this, but would not propose any means of redress. The only remedy

he would suggest was a fleet of gunboats for the defence of the ports, less costly than fortifications, less dangerous also, his creed said, to principles of self-government and the maintenance of a modest central power, than a formidable navy. If American seamen were not safe against attack at sea, it was best that they should stay in port, where the country could make good their defence. He found it impossible, indeed, to do away with sea-going ships of war altogether. At the very outset of his administration he had been obliged to send a squadron against the pirates of Tripoli, who openly made war on the commerce of the United States. The six frigates then kept in commission proved unsuitable for the service, and he was forced to consent to the construction of a few vessels more suitable, which promptly brought Tripoli to terms. But he did not allow even the Tripolitan war (1802–1805) to bring a real navy into existence.

He tried negotiation with England, through Mr. Monroe and Mr. William Pinkney, for many weary months, and through many changes of ministry over sea, but could get nothing better than Jay's treaty (then about to expire by limitation), and would accept nothing less than a renunciation of the right of search and of impressment, which England would not relinquish. When the *Leopard* fired on the *Chesapeake* he ordered all British men-of-war out of American waters and forbade them her ports; but there was no remedy in that. At last, driven to retaliation but unalterably opposed to war, he recommended an embargo, which should at least make English merchants smart by cutting off their lucrative trade with the United States.

On the 22d of December, 1807, an Embargo bill became law which absolutely prohibited all foreign commerce, whether in foreign or in American bottoms.[1] A year before Congress had authorized the President to forbid the importation of certain classes of English goods on and after a certain date. But the date had been deferred until the eve of more radical measures. The Embargo Act closed the ports against all nations, and even against the exit of American ships. Even coasting vessels were required to give bond to


The Embargo.
JUST publiſhed, and for ſale, by
HASTINGS, ETHBRIDGE & BLISS,
THE EMBARGO :—*Or*
SKETCHES OF THE TIMES—a Satire, the ſecond Edition, corrected and enlarged—Together with the SPANISH REVOLUTION, and other Poems,
By WILLIAM CULLEN BRYANT.

BRYANT'S SATIRE

land their cargoes within the United States. Such an experiment in retaliation, cried Josiah Quincy, of Massachusetts, in the House, had "never before entered into the human imagination. There is nothing like it in the narrations of history or in the tales of fiction."

"My principle," said the President, "is that the conveniences of our citizens shall yield reasonably, and their taste greatly, to the importance of giving the present experiment so fair a trial that on future occasions our legislators may know with certainty how far they may count on it as an engine for national pur-

[1] See page 304.

poses,"—as a substitute for war in bringing foreign nations to terms of reason; and he had his way to the utmost. His personal influence prevailed in everything. Members of Congress knew very well how sorely the bill would pinch, but they never dreamed of disobeying. "All our surplus produce will rot on our hands," cried a member of the House. "God knows what all this means! I cannot understand it. I see effects, but I can trace them to no cause. . . . Darkness and mystery overshadow this House and the whole nation. We know nothing; we are permitted to know nothing. We sit here as mere automata; we legislate without knowing; nay, sir, without wishing to know why or wherefore." The embargo was to be tried because Mr. Jefferson believed in its efficacy.

The closing year of his presidency was darkened and distressed by its effects. The States themselves suffered from the act more than the nations whose trade they struck at. America's own trade was ruined. Ships rotted at the wharves,—the ships which had but yesterday carried the commerce of the world. The quays were deserted. Nothing would sell any more at its old price. The southern planters suffered even more keenly than the New England merchants. Their tobacco and rice and cotton could not be sold, and yet their farm hands, who were slaves, could not be discharged and had to be maintained. The wheat and live stock of the Middle States lost half their market. It was mere bankruptcy for the whole country. No vigilance or compulsion could really enforce the act, it is true. Smuggling took the place of legitimate trade, where it could. Even within the year, too, manufactures began to show a little more as if they would

grow, to supply what importation could no longer supply. But there was small palliation for the keen dis-

NOTICE.

THE MAYOR decidedly disapproves the mode of application recommended in a Morning Paper yesterday, to be pursued by the Sailors of this port, for relief.

He informs the public that the Corporation will, on the present emergency, as they have done on former occasions, provide for the wants of every perſon, without diſtinction, who may be conſidered proper objects of relief.

The Mayor cannot conclude this notice, without exhorting all classes of Citizens to refrain from assembling in the mode as proposed, and eſpecially diſſuades the Sailors from meeting in the Park.

Mayor's-Office, New-York:
January 9, 1808.

H. C. SOUTHWICK, Printer, 92, Broadway, 4 Doors from Wall-st.

tress of the time in smuggling or the feeble beginnings of manufacture; and before irreparable mischief had been done the fatuous system broke down.

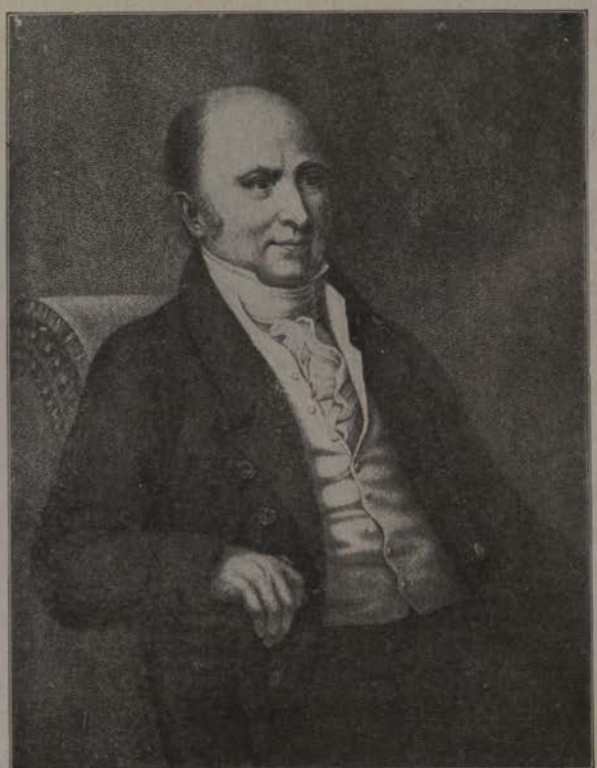
It bred distress not merely, but actual disaffection

as well. The distress was universal; disaffection showed itself only in New England, where the Federalists still kept their organization and their power. The sea was New England's farm, as Mr. Pickering said. To be shut out from using it for trade and adventure was as sharp a blow at her habit and her livelihood as that which had been dealt by Mr. Townshend's Acts, which had played their part, as everybody knew, in bringing on a revolution. Exasperation could not easily be kept within bounds; and no one seemed wise enough to restrain it. New Englanders deemed the embargo a more open and more partisan attack upon their interests than the purchase of Louisiana had been, and thought it significant enough that it came from Mr. Jefferson, the Virginian, leader of the South and West. As a matter of fact, the Act cut nearer the roots of life in Virginia than in Massachusetts. The merchants of New England lost the profits of trade, indeed; but British cruisers would very likely have confiscated those in any case. Their capital at least was safe; and New England, like Pennsylvania, found means to reimburse herself in the home markets suddenly opened for her simple manufactures which Virginia and the South had no opportunity to employ. It showed a singular constancy and steadfastness in principle and in party loyalty on the part of Virginia and her neighbor States at the south that they should thus face ruin to support Mr. Jefferson.

The Federalist coterie in Massachusetts and Connecticut were at such a pitch of exasperation, allowed themselves such license of bitter and disloyal speech, seemed so stubbornly bent upon opposition to the utmost, that even men very little given to panic fear be-

gan seriously to apprehend the worst. Indeed, the worst was presently to be seen at hand. It was a long coast to keep ships from, that which stretched all the way from the rivers of Maine round about Spanish Florida to the rivers and inlets of the Gulf, and before the President and his advisers had done with the hateful Act they were driven, in order to make it effective, to measures as arbitrary and as inquisitorial as the Alien and Sedition laws and Mr. Townshend's Acts to enforce the Parliament's laws of trade. In January, 1809, in accordance with the recommendations of a report from Mr. Gallatin, Congress passed an Enforcing Act which authorized the President, through the collectors of customs, to seize any goods of American growth or manufacture that might be found in any kind of boat or in any vehicle going towards the sea, and to hold them until heavy bonds were given that they would not be taken out of the United States. At that the temper of New England broke down, as the temper of Kentucky and Virginia had broken down under the Alien and Sedition laws. A committee of the Massachusetts senate recommended a law to protect the people of the State against "unreasonable, arbitrary, and unconstitutional searches." When Mr. Dearborn, the Secretary of War, requested Governor Trumbull, of Connecticut, to select officers of the militia of that State to assist the collectors in enforcing the Act, he flatly refused, and plainly declared his determination to defy the authority of the federal government. "Conceiving, as I do, and believing it to be the opinion of the great mass of citizens in this State," he said, "that the late law of Congress for a more vigorous enforcement of the embargo is unconstitutional

in many of its provisions, . . . my mind has been led to a decided and serious determination to refuse compliance with your request, and to have no agency in



J. Q. Adams JOHN QUINCY ADAMS

the appointments which the President has been pleased to refer to me."

Already, the year before, Mr. John Quincy Adams had informed Mr. Jefferson that there was a plan afoot in New England to nullify the embargo and defeat the

laws, and that secession, it might be, and union, or at least alliance, with England would follow. Here was a notable sign of the times! John Adams's son, bred in the strictest school of federalism, and himself senator from Massachusetts, had of a sudden left his party, had voted for the embargo, and now, cool and distant though he was with all men, came forward to warn and counsel Thomas Jefferson and shield the country from the consequences of Federalist folly. Mr. Jefferson knew at once how singular and significant a thing had happened; knew that Mr. Adams had acted from a love of duty, not from love of him; felt a touch of panic himself; and acted as the crisis seemed to demand.

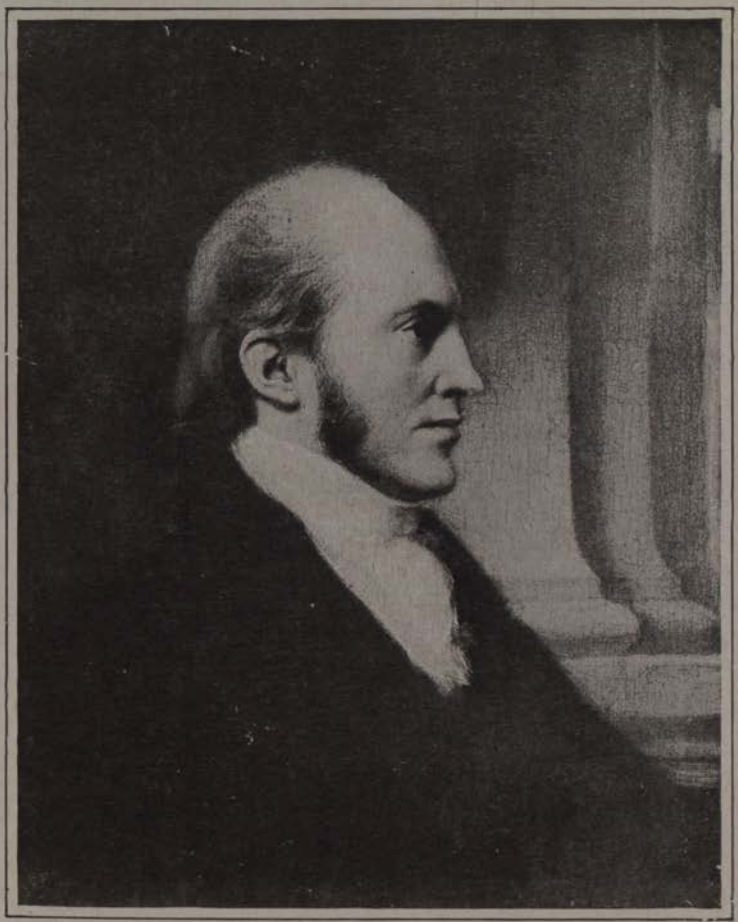
Amidst such an accumulation of embarrassments, at home and abroad, it was no doubt better to yield a good deal to the spirit of discontent, before actual strife came on, than to provoke it to excesses. The end of Mr. Jefferson's term was at hand, his successor chosen, his party's supremacy secure, and concession could be made without material sacrifice. On the 1st of March, 1809, accordingly, a Non-Intercourse Act,[1] which prohibited trade with the ports of England and with all countries under the control of France, but set it free again to move as it pleased so far as the rest of the world was concerned, was substituted for the absolute embargo. The signing of the new measure was almost the last official act of Mr. Jefferson's administration. On the 4th of March, with no slight sense of relief, he handed over to Mr. Madison the responsibilities of his great office,—a burden which increased, as he had found, from year to year.

Mr. Madison had been chosen without difficulty to

[1] See page 318.

the Presidency (1808). The supremacy of his party was almost unquestioned; he was Mr. Jefferson's choice for the succession; the nomination was an affair arranged by the party leaders in Congress and formally ratified in a caucus of the Republican members of the two houses, —not without rivalries and a show of contest, indeed, but without difficulty; and the electors readily confirmed the choice. Massachusetts, Rhode Island, and New Hampshire returned in the election to their Federalist allegiance; three Federalist votes in North Carolina were added to the two which Maryland again stood ready to give: and Mr. Pinckney and Mr. King, who were again the nominees of the Federalists, received forty-seven electoral votes, instead of the beggarly fourteen they had received four years before. But Mr. Madison received one hundred and twenty-two. Mr. George Clinton, of New York, who had been chosen Vice President with Mr. Jefferson, after Mr. Burr's retirement, became Vice President for a second term with Mr. Madison. The reaction against the embargo had not touched the country at large.

The country, indeed, had turned with a singular heartiness and unanimity from the Federalists to Mr. Jefferson and the party he had made, as if he had spoken the natural humor and inevitable principles of a new country wishing a new life of its own. The Federalists seemed of a sudden statesmen no longer, but a mere faction which wished accommodation with England upon any terms, for the sake of trade and the maintenance of a tradition. They seemed out of humor with the making of a free democratic nation, full of wholesome but irregular force; and handed even their one-time principles over to the Republicans: opposed them when



A. Burr

AARON BURR

they magnified the federal power by the purchase of Louisiana, and echoed the protests of the Virginia and Kentucky Resolutions when they enforced the embargo. It was evidently the tone and method of the new party rather than its rigidity in principle or consistency in action that had taken the fancy of the country. It used power as freely, and stretched the constitution with as little compunction in the using, as the Federalists before it. Though for a little while after its first elevation to the place of government it had railed in good set terms against the constitution itself, because it prevented the removal of obnoxious judges by mere address of the two houses; had wished impeachment to be regarded as a political, not as a judicial process; and had tried to use it to subordinate the courts to the political control of the President, it had soon forgotten that madness, and had used a very different tone in most things. It had voted money to build a great national road through the Cumberland Gap into the West, as readily as Federalists would have voted it, and with almost as little doubt or scruple as to constitutional powers. What had seemed a bit of treason against the government in the West had been snuffed out as promptly and unhesitatingly as the whiskey rebellion in western Pennsylvania had been snuffed out by Washington and Hamilton in their more questionable day of authority, when, Jeffersonians had said, a party acted and not the nation.

WESTERN COOKING UTENSILS

[1]The treason, if treason it was, had been Mr. Burr's, now a discredited, it might be also a desperate, man. His duel with Hamilton, which seemed like nothing less than a political murder, had rendered him of a sudden almost a political and social outcast; the last months of his vice presidency he had passed in bitter isolation from old friends and associates; and he had left office (March 4, 1805) stricken in every legitimate

PITTSBURG, 1810

ambition. I am "under ostracism," he said. "In New York I am to be disfranchised, and in New Jersey to be hanged. Having substantial objections to both, I shall not, for the present, hazard either, but shall seek another country." The forced pleasantry covered no man could tell what purpose. His "other country" was the West. Leaving Washington in May, 1805, he swept in a swift journey through all the forested country which lay upon the eastern banks of the Mississippi from Kentucky to far New Orleans and back again, as if upon an errand. The next year he re-

[1]See page 306.

peated the journey; and boats, provisions, munitions of war began to be gathered here and there on the Ohio and the Cumberland. It was said he meant to attack Mexico; that he meant to set up an independent empire in the West; that some great treason, or at the least some lawless scheme of freebooting, was afoot. Nothing could be proved. Mr. Burr was indicted and tried for treason (May–September, 1807), but there was not evidence enough to convict him. He left the country and wandered in restless loneliness through foreign lands, a ruined and hopeless man.

He had at least furnished proof, men felt sure, that the loyalty of the West to the East could no longer be doubted or seriously tampered with: for, whatever it had been that he was plotting, he had got, it was certain, very little aid or counsel there, spite of appearances. The reign of the new party in national affairs had, at any rate, knitted East and West together; the makeweight of Louisiana had been added to the national scale; and Mr. Madison had the bulk of the country back of him.

Mr. Madison loved peace, as Mr. Jefferson did, and was willing to secure it by any slow process of law or negotiation that promised to keep war at arm's length. But he presently found himself caught in the tangled network of policy which, as Secretary of State, he had woven for Mr. Jefferson. Mr. Jefferson's foreign dealings had turned, not merely upon Napoleon's decrees and the English Orders in Council against neutral trade, but also upon his desire to add the purchase of West Florida to the purchase of Louisiana, and so make good the dominion of the Union to the east as well as to the west of the Mississippi. First, when he

thought England would aid him in that matter, he had played for a close friendship with her. When England failed him and it seemed as if Napoleon would compel Spain to make the cession if America would but turn away from England to him, friendly dealings with England had been given up and everything had been pulled about to please the master of France. Napoleon's diplomacy ran deeper than that of England. He stuck at nothing to gain his ends; was determined

MONTICELLO. THOMAS JEFFERSON'S RESIDENCE

that America should serve him, not the English, in the mighty struggle he had entered upon to bring the world to his feet; promised everything to win America away from England, and then, having gained what he wished, repudiated his promises and did nothing. Mr. Jefferson had become deeply entangled, beyond hope of extrication; had become the professed friend of France, and had not gained Florida. Mr. Madison was left to face two unfriendly powers, to the more false and dangerous of whom it was his cue, it seemed, to play the complacent servant.

For a brief space affairs seemed to clear very hopefully, as if the old tangle were about to be unravelled and dealings with England brought to a right posture again. Mr. Erskine, the British minister at Washington, young, sanguine, and inexperienced, agreed to a withdrawal of the Orders in Council, and Mr. Madison gladly suspended the operation of the Non-Intercourse Act in respect of Great Britain, as the terms of the Act permitted. But it turned out that the young minister had acted without authority. He was recalled, the Act was again put into force against England (August 9, 1809), and affairs looked uglier than ever.

Then Napoleon practised anew upon the credulity of the Administration. On May 1, 1810, Congress formally repealed the Non-Intercourse Act, which would have expired by limitation at the close of the session without repeal, and authorized the President, in case either Great Britain or France should "cease to violate the neutral commerce of the United States," to revive and enforce non-intercourse with the other, should she fail to do the same. Napoleon promised that his decrees against American shipping should be revoked on the 1st of the following November, provided England would before that date withdraw her Orders in Council. England replied that she would rescind the Orders when informed that the Emperor had revoked his decrees. The Emperor sent word to Mr. Madison that his decrees were in fact revoked, and should cease to have effect after the 1st of November, if in the mean time the United States should "cause their rights to be respected by England."

There was no doubt what that meant: non-intercourse with England as the price and condition of release

from the intolerable restraints of France. And intolerable they were. Nearly every port of the continent, whether on the Atlantic, the Mediterranean, or the Baltic, was under the Corsican's control; and everywhere American ships were seized and confiscated on the pretext that they were carriers for England, whom he meant to beat at any cost. Napoleon's decrees, like the English Orders in Council, had been nothing

CINCINNATI IN 1810. FROM HOWE'S HISTORY OF OHIO

less than acts of war against the United States from the first, though not primarily aimed at her, and would at any time have justified a declaration of hostilities. But Mr. Madison did not want war. The United States were not strong enough, — particularly now that the party in power had disbanded its army, dismantled its navy, and reduced its revenues to a minimum. The President's principles clearly forbade war, besides. He wished to fight only with the weapons of nominal peace: embargoes and retaliatory restrictions. If Napoleon would yield his decrees, so much the great-

er pressure could be brought to bear upon England to yield her Orders in Council, and the vexatious game might at last be won. The Emperor was no doubt bringing the end of it within sight.

Again too precipitate and too confiding, therefore, the President acted as if the game were already won and the matter already settled, so far as France was con-

TREMONT STREET, BOSTON, 1800. LOOKING NORTH

cerned. The 1st of November having come and England's Orders not yet being withdrawn, on the 2d he made proclamation that intercourse with Great Britain and her dependencies would again be suspended on and after the 2d day of February (1811) following, until England should yield.[1] Only after he had fully committed both himself and the country did he learn how deeply and shamefully he had been deceived. The seizure of American ships in continental ports did not

[1] See page 327.

stop. Other decrees, other restrictions, old and new, sufficed for their condemnation as well as the decrees said to have been revoked. The revoked decrees themselves were still acted upon if occasion demanded. American skippers were but lured by a false security into virtually hostile ports. Their ships and cargoes were seized and confiscated without compunction or subterfuge, at a loss of quite ten million dollars in a single season. Ill feeling between England and the United States was seriously deepened, as the astute and unscrupulous master of France had meant that it should be; and every negotiation for an amicable settlement grew the more confused and doubtful. Every sinister influence seemed to draw Mr. Madison towards what he most dreaded and contemned,—towards a war of arms, brought on by a programme of peace.

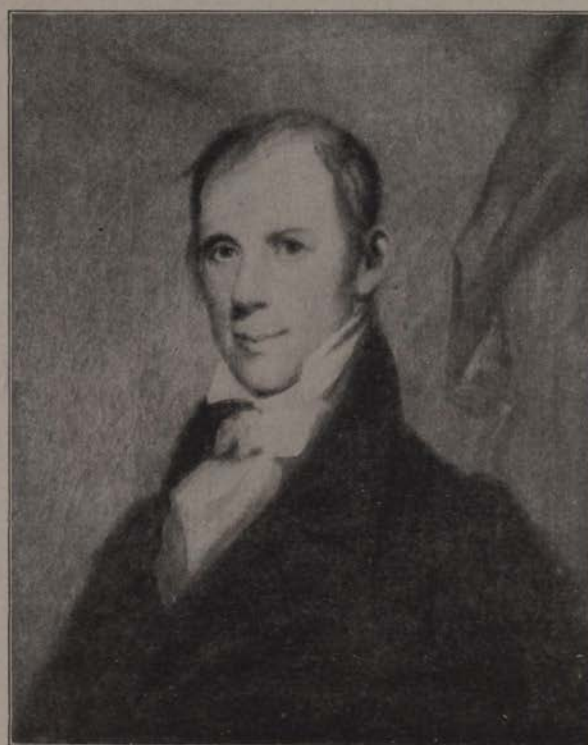
Negotiations dragged very slowly then, with the

CINCINNATI, FROM NEWPORT, IN 1812

coming and going of tardy ships, which had oftentimes to steal like fugitives in or out of port. But all through the long year 1811, though hopes and plans and anxious fears came and went with doubtful ebb and flow, and no one knew what either England or France would do, it grew more and more evident that the government of the United States must do something, if only to keep itself in countenance. It had pledged itself to believe that France had in good faith yielded to its demands. England made no pretence of having yielded or of intending to yield. Evidence multiplied that France was playing a double and lying part. Mr. Madison's mortification was complete and very bitter; but no one deemed it possible that the United States should fight both France and England at once. Men's minds were slowly made up to stomach France's deceptions and fight England. At least it was so with the President, who saw no way of retreat not too humiliating to be borne; and it was so with Congress, which had passed under the control of new leaders.

An air of radical action began to stir the moment Congress assembled (November 4, 1811). It was the first session of the Twelfth Congress. In the House seventy members, out of a total of one hundred and forty-one, were new men, and for the most part young men: their leaders young men like themselves. Most conspicuous among them was Henry Clay, a man not yet turned thirty-five, whose tall and striking figure, easy way of comradeship among men, free and ringing eloquence in speech, and ready mastery in the battle of debate gave him an engaging pre-eminence, which no man without an equal charm and power could dispute with him. There was something in the whole make-up

of the man,—his free pose, his candid way of utterance, his dash and telling vigor,—which bespoke him the Kentuckian, the man of the new and confident West, where the frontier of settlement was near at hand and



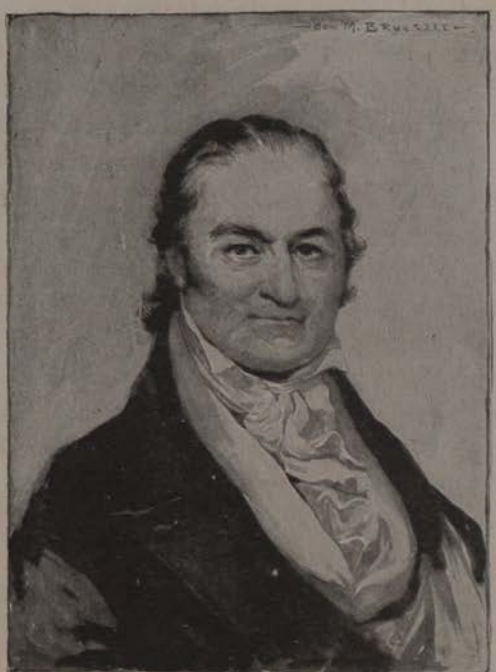
HENRY CLAY

where the forces of irresistible growth and initiative were abroad. And yet there was an art, a winning persuasiveness, a reverence for old ideals, a flavor of old principles in all that he did and said which seemed a reminiscence of his birth in Virginia, where tradition

was from of old and kept its votaries. Scarcely less striking was John C. Calhoun, the new member from South Carolina, a young man not yet thirty, who showed in every piece of business he handled a maturity like that of the young statesmen of the constitutional convention. There was the air of the scholar and student about him. His luminous sentences, uttered in debate, shone upon every matter they touched with singular steadiness and with a light at once vivid and diffused, disclosing the distant view no less than the thing at hand. A strain of passion and of quiet energy showed in him which caught the imagination and touched the purpose of those about him. It was inevitable that these men should lead,—these and the other men of the new age who stood with them and were of like principle and purpose: in the House, Langdon Cheves and William Lowndes, of South Carolina; Richard M. Johnson, of Kentucky; Peter Buel Porter, of New York; and in the Senate, William H. Crawford, of Georgia.

Mr. Clay was chosen Speaker and organizer of the House, and it proceeded to the business which led to war. These men had made up their minds that the country should fight. The President could not but take their purpose, having no alternative to suggest. The tangle of French diplomacy could not be straightened out, the stubbornness of England could not be budged: the country, as if by hereditary choice, chose to fight England and let France go her way for the present. The grounds of the war were singularly uncertain. France was doing much more to injure neutral trade than England was. That very spring (1812) a French fleet put to sea confessedly commissioned to burn Amer-

ican merchantmen wherever found. Mr. Madison urged against England[1] the old grievance of impressment, and no one could doubt its weight or gravity. Nearly every twelvemonth between 1804 and the em-



Wm H Crawford

WILLIAM HARRIS CRAWFORD

bargo close upon a thousand men a year had been seized out of American ships. American tonnage increased seventy thousand tons a year so long as American skippers were permitted to enjoy the profits of neutral trade; four thousand two hundred additional men were needed yearly to put crews into the new craft,

[1] See page 330.

and it was estimated that twenty-five hundred of the new men were in fact British subjects, no small proportion of them unquestionably deserters from his Majesty's navy. Every American sailor went about with a certificate of citizenship which described his "eyes and nose and mouth and chin, the color of his hair and complexion, and the marks and scars about his person, — like the advertisement of a runaway slave,"—and yet was not safe. Actual outrages often accompanied the ceaseless impressments, and only the embargo, which kept ships in port, had thrown the matter for a little into the background. But it had been thrown into the background. Mr. Jefferson had let it go almost without protest since his commissioners had failed to induce England to abandon it. It was now clearly an afterthought as a ground for war. There was no excitement in the country; only a vague irritation and fretfulness. But the drift had set in, and the majority went with it, dragging the country. In April, 1812, an embargo was enacted, preparatory to war; and on the 18th of June war was declared.[1] The very day before (June 17th) the English Parliament had repealed the Orders in Council. The change of mind and of policy long looked for in England had come at last, and the cause of the war was taken away on the very eve of its outbreak.

It was a foolhardy and reckless risk the Congress was taking. The country had been "embargoed and non-intercoursed almost into a consumption," as Mr. Randolph said, very passionately. It was certainly no time for battle. The party in power had relied on embargoes and non-intercourse and had disbanded the army. The revenues of the government were

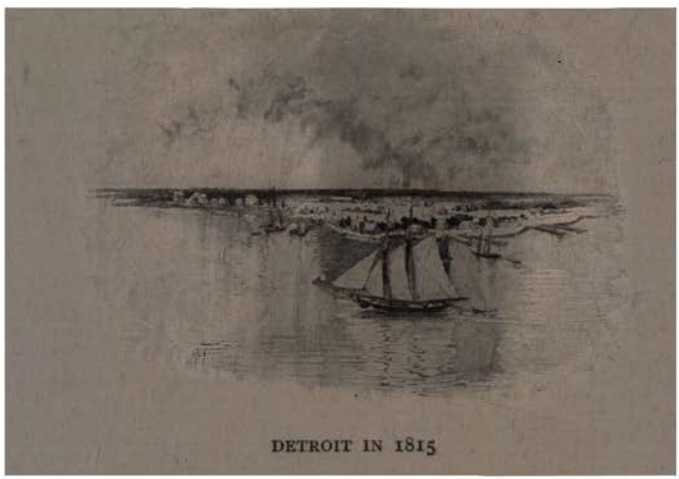
[1] See page 344.

John Randolph

JOHN RANDOLPH

31535

scarcely more than sufficient for its meagre peace establishment. The very Congress which voted the war refused to provide for the taxes which Mr. Gallatin told them would be necessary to carry it on. The preceding Congress had refused to recharter the Bank of the United States, the government's only effective financial agency, and the currency was already falling, as a



DETROIT IN 1815

consequence, into hopeless confusion, running through a quick depreciation.

What was worse, the risk of the war was not a whit more obvious than its deep impolicy. Napoleon was the enemy of the civilized world, had been America's own enemy in disguise, and had thrown off the disguise. England was fighting him almost alone, all Europe thrown into his scale and hers almost kicking the beam; and now America had joined the forces of Napoleon, in fact if not in intention, as he had subtilely planned. It was natural that the raw and rural

nation should thus have seen its own interests in isolation and indulged its own passion of resentment with selfishness. England's policy had cut America to the quick and had become intolerable, and it did not lessen America's exasperation that that policy had been a measure of war against the Corsican, not against her. It was a tragical but natural accident that the war should be against England, not against France.

THE PORT OF BUFFALO, 1815

It was thus that the New England Federalists saw the war; but they deemed the accident inexcusable and pressed their opposition almost to the verge of treason. The trade of the shipping ports had of course suffered immensely at the hands of both England and Napoleon. But the profits of the neutral carrier were enormous, nevertheless, in that troubled time. Such ships as escaped seizure and made good their voyage recouped their owners for many lost. Ship building went forward very prosperously in America despite every order and decree of the belligerents; and so long

as there was no embargo to restrain and make them outlaws at home merchants almost cheerfully took the risks of the sea. The embargo which immediately preceded the war was intended, of course, to call the shipping in for its own protection; but merchants hurried every available vessel to sea as soon as they heard it was to be passed, in order to be beforehand with it and take the risks Congress sought to protect them against. Once again, when the embargo came, the opposition of New England became factious and desperate. It spread to New York, which passed from the control of a Republican to the control of a Federalist majority. It threatened hopelessly to embarrass the government, if not to jeopard its very existence.

The course of the war did little to improve matters. The government had neither the means nor the organization to conduct it. The President was authorized to increase the regular army from six to twenty-five thousand men, to call for fifty thousand volunteers, and to employ one hundred thousand men from the militia of the States. But volunteers were not to be had for the asking; and officers were even harder to find than men. The governors of Massachusetts, Connecticut, and New Hampshire, though they would not forbid recruiting, refused to permit the use of their organized militia outside the limits of their States, thinking themselves legally justified by the terms of the constitution, which authorized Congress to provide for calling forth the militia only "to execute the laws of the Union, suppress insurrections, and repel invasions," and said nothing of a war like this. The President, accordingly, withdrew all federal garrisons from New England. The only general officers available were

either veterans of the Revolution, too old to be serviceable, or mere politicians who claimed preferment as a political favor. The income of the government never while the war lasted rose above ten millions a year; but its expenses for the war turned out to be from thirty to forty millions per annum. Loans had constantly to be resorted to; most of the money of the country was in New England or at the great ports, where the war was hopelessly unpopular; men were inclined to refuse to aid a government which had already more than once ruined trade and prostrated business, —if only to show their temper in affairs; and the credit of the government sank lower and lower. Congress was obliged to resort at last to the very excise taxes which all Republicans had so hotly condemned the Federalists for imposing; to lay direct taxes on such articles of personal use as household furniture and watches; and finally, when the war was over but not the difficulties of finance, to re-establish the Bank of the United States (April, 1816). A few light duties on imports could not support the government when every principal harbor of the country was blockaded.

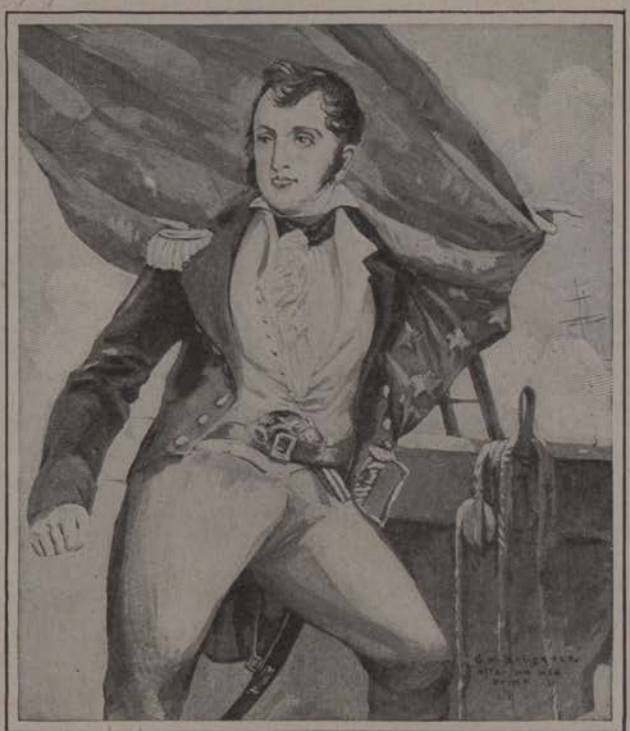
JACKSON'S HEADQUARTERS, NEW ORLEANS

For almost three weary years the war dragged on. It was a war upon the borders: the long northern fron-

tier, the defenceless coast, the easy points of approach on the Gulf. As in the Revolution so now, the heart of the country went untouched. Along the short lines of the Detroit, the St. Clair, and the Niagara; on the waters and shores of the great lakes; and up and down the line of Champlain, where Burgoyne had moved in the wilderness, were the chief scenes of the uncertain fighting. On the coasts English fleets swarmed thicker and thicker until almost every important port was effectually closed. Finding no opposing force to attack, their crews made frequent descents upon defenceless settlements, which they burned and plundered. In August, 1814, a strong British force landed in Chesapeake Bay, close to the capital; marched upon Washington, which the government, knowing the place to be of no strategic importance whatever, had not thought of providing with defences; took it without difficulty, the officers of the government barely escaping capture; burned the public buildings; and turned to an attack on Baltimore which was gallantly repulsed.

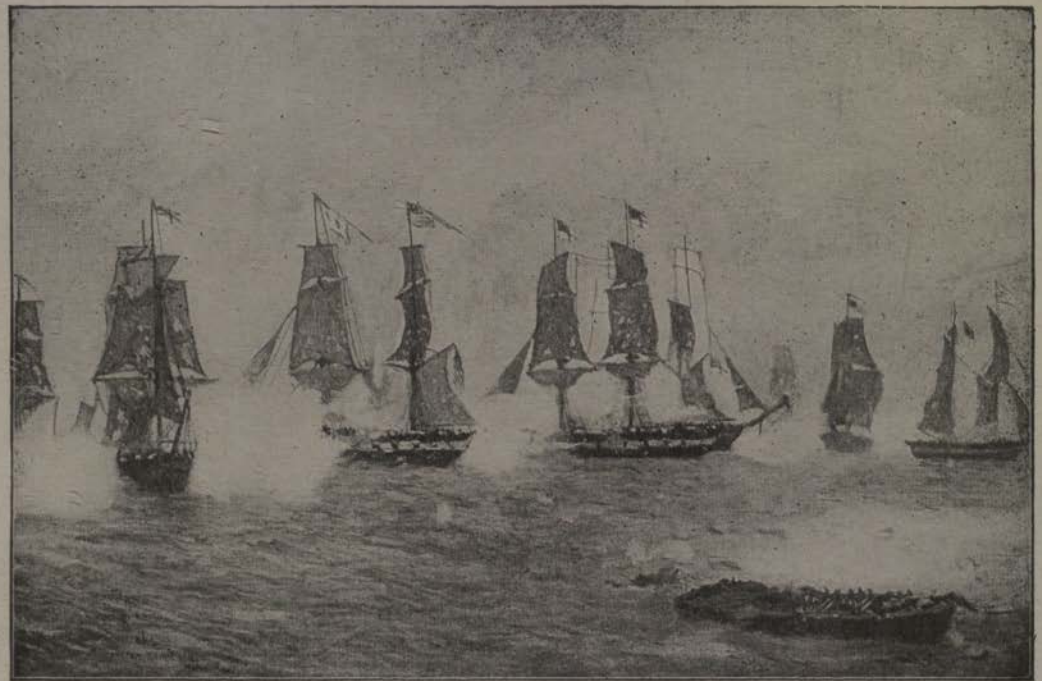
The year 1814 had set England free to prosecute the war with vigor. Napoleon was beaten. The very month Congress declared war against England he had attacked Russia for a final triumph. Five hundred and fifty thousand men he took against her, the combined armies of subjugated Europe. But disaster dogged him at every step. Three hundred thousand lives he threw away; more than a hundred thousand men he left in the hands of the enemy. He came back with barely one hundred thousand (December, 1812), to face a rising of the nations. Germany, Spain, Sweden, every people in Europe roused itself to crush him. His armies dwindled and were beaten, by Wellington

in Spain, by Blücher beyond the Rhine. By the end of March, 1814, the allies leagued against him were in Paris; in April he was an exile in Elbe.



O. H. Perry OLIVER HAZARD PERRY

But America by that time had drilled troops and experienced officers, trained by the hard processes of the war itself. What proved of as much consequence, her little navy startled the world by its extraordinary exploits. There were but seven frigates, great and small, besides



BATTLE OF LAKE ERIE

a corvette or two and a few small brigs; but her seamen were professionals, not amateurs like her soldiers. Whenever they could elude a British fleet watching at the harbors where they lay, and come to a reckoning with their foes, vessel with vessel on the sea, they almost without exception won, and won promptly, by expert seamanship and good gunnery; and British captains were ordered to sail, not singly but in company, to be safe against them. Little navies were created, too, on the lakes,[1] where they were built while the war lasted. Commodore Perry in a single gallant action (September 10, 1813) won entire control of Lake Erie, and set a body of troops across the lake whose decisive victory on the Thames ended the war in the northwest. In the summer of 1814 Commodore Macdonough met the English on Lake Champlain (September 11th) and won a victory which once for all ended plans of invasion there.

As the war progressed discipline came to the raw armies of the Union and they began to be handled by men who understood their duty and performed it in soldierly fashion. The war had begun with a series of defeats in the north at once ridiculous and disgraceful; but the whole face of affairs changed when the Americans drove the British troops from their batteries at Lundy's Lane (July 25, 1814) and kept their victory half the black night through against assault after assault; and the fortunes of the field swung measurably even after that from action to action.

The war closed in the South. There the British sent Pakenham with twelve thousand men, veterans for the most part from the fields of Spain, to take New Orleans, which they meant to hold for such terms as might suit them when the war was done. There, on the 8th

[1] See page 346.

T. Macdonough

THOMAS MACDONOUGH

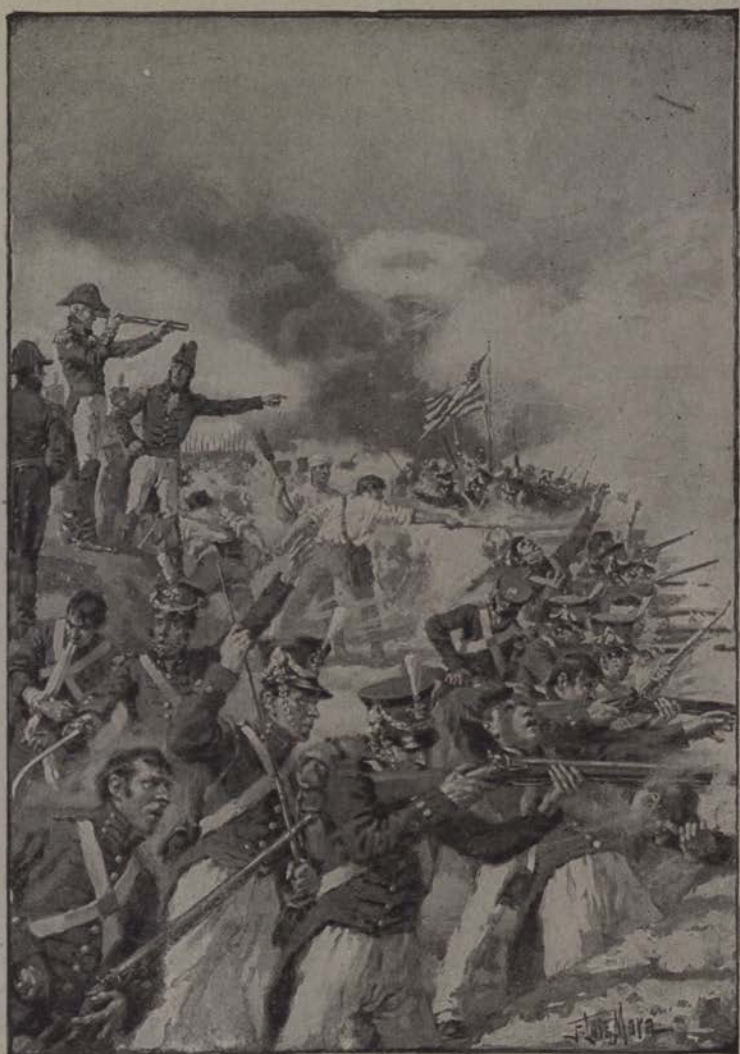
of January, 1815, General Andrew Jackson received him, at the trenches the Americans had drawn across a narrow strip of land below the city, and beat him off with half the force: sent him back in utter rout, with twenty-five hundred men less than he had brought. Jackson himself lost but eight killed and thirteen wounded.

Two weeks before that notable affair at New Orleans (December 24, 1814) a treaty of peace had been signed at Ghent,[1] of which the country knew nothing. England had several months earlier made known her willingness to treat. The war was costing her ten millions sterling a year; and she made no real headway in it. Mr. Madison hurried commissioners over sea at the word, and by December terms had been agreed upon. It was a mere treaty of peace and of boundaries. The Orders in Council were long ago repealed; impressment was not mentioned,—was, indeed, itself a matter settled well enough by the defeat of Napoleon and by the new respect America had gained on the seas. The war itself was no doubt sufficient guarantee that another for a like purpose would never be necessary.

HOUSE OF AMERICAN COMMISSIONERS AT GHENT

Peace came none too soon to check the sinister in-

[1] See page 351.



IN THE AMERICAN TRENCHES. BATTLE OF NEW ORLEANS

fluences of politics at home. New England had contributed men and money to the war as the law required and her means permitted. Because she was wealthy and populous, she had, indeed, contributed more than the South and West, whose representatives in Congress had brought the war on despite her passionate protests. But the temper of her leading men grew more and more impatient and insubordinate as the war advanced. In December, 1814, at the call of the legislature of Massachusetts, a convention of delegates from Massachusetts, Connecticut, and Rhode Island met at Hartford whose secret sessions made the whole country uneasy. There was nothing actually revolutionary in what it did, so far as the country could learn; it had met for consultation, no doubt, not for action. But it spoke the very language of the Kentucky and Virginia Resolutions in the papers which it put forth; it was known to represent men who had more than once been openly and aggressively a pro-British faction, men who Hamilton and John Quincy Adams had feared might go the treasonable length of disunion; it insisted upon amendments to the federal constitution which should protect minorities of States from majorities. When the war closed a committee of its members was in Washington to demand of the government that the federal taxes should be divided and the New England States permitted to retain those which their own people paid in order that they might apply them as they pleased to their local defences. The treaty of peace sent them home belated and derided. The Hartford convention was the end of the Federalist party. But it had none the less been a very sinister sign of the times.

If the war had done nothing else, however, it had at

FACSIMILE OF SIGNATURES TO THE TREATY AT GHENT

last made the country quick with the spirit of nationality, and factions were discredited. The war of the Revolution had needed a war for independence to supplement it, as Mr. Franklin had long ago said. Until now, notwithstanding the separation, English statesmen had deemed the United States still in no small degree dependent upon England for their place and privilege in the world, and America had virtually in her thought accepted a position of dependence. The Federalists had been ashamed of no concession or submission to England, when once their greater leaders had fallen silent. This clumsy, foolhardy, haphazard war had at any rate broken that temper. The country had regained its self-respect. The government of the Union, moreover, was once more organized for rational action. The party which controlled it had once for all given up the theories which made it conscientiously weak and inefficient upon principle. It was ready now upon occasion to raise armies, impose direct taxes, avail itself of the services of banks, and serve the country by means which should hold the nation united and self-centred against the world.

Authorities: For general guidance through this period we have the fourth, fifth, and sixth volumes of Hildreth, the first three volumes of George Tucker's *History of the United States*, the second and third volumes of John Bach McMaster's *History of the People of the United States*, the first and second volumes of James Schouler's *History of the United States of America under the Constitution*, the first volume of Dr. Hermann E. von Holst's *Constitutional and Political History of the United States*, and the fourth volume of Bryant and Gay's *Popular History of the United States*. With the accession of Mr. Jefferson to the presidency, Mr. Henry Adams's admirable *History of the United States* during the administrations of Jefferson and Madison becomes indispensable. The late Mr. Alexander Johnston contributed to J. J. Lalor's

Cyclopaedia of Political Science, Political Economy, and United States History articles on the chief topics and events of this period, such as the purchase of Louisiana, the embargo, and the war, which exhibit at their best the painstaking and the judicial temper of the trained historian. For the rest, our general authorities are John C. Hamilton's *History of the Republic of the United States of America as Traced in the Writings of Alexander Hamilton and His Contemporaries,* a voluminous work in seven volumes; Edward Stanwood's *History of the Presidency;* George Gibbs's *Memoirs of the Administrations of Washington and Adams;* William H. Trescot's *Diplomatic History of the Administrations of Washington and Adams;* the first volume of J. P. Gordy's *History of Political Parties in the United States;* Charles Francis Adams's *Life of John Adams;* George Tucker's *Life of Thomas Jefferson;* John T. Morse's *Life of Alexander Hamilton;* Henry Adams's *Life of Albert Gallatin;* William C. Rives's *History of the Life and Times of James Madison;* Josiah Quincy's *Memoir of the Life of John Quincy Adams;* Edmund Quincy's *Life of Josiah Quincy;* Henry Cabot Lodge's *Life and Letters of George Cabot;* C. W. Upham's *Life of Timothy Pickering;* Moncure D. Conway's *Omitted Chapters of History, disclosed in the Life and Papers of Edmund Randolph;* Matthew L. Davis's *Memoirs of Aaron Burr;* H. M. Brackenridge's *History of the Late War;* William Jones's *Military Occurrences* and *Naval Occurrences;* Charles J. Ingersoll's *Historical Sketch of the Second War between the United States of America and Great Britain, 1812–1815;* Benson J. Lossing's *Pictorial Field Book of the War of 1812;* and Theodore Roosevelt's *Naval War of 1812.*

The very notable set of brief biographies known as *The American Statesmen Series* constitute, when put together, an excellent history of the country from the points of view of its several public men of chief importance. The volumes for this period are those on Washington, John Adams, Hamilton, Jefferson, Madison, Jay, Gallatin, Gouverneur Morris, John Marshall, John Randolph, Clay, John Quincy Adams, and John C. Calhoun. Having been prepared by different authors, these volumes are necessarily unequal in authority and merit, but the series as a whole is of remarkable excellence.

The *documents* and *contemporary materials* are to be found in the *Annals of Congress;* Thomas H. Benton's *Abridgement of the Debates of Congress;* the *American State Papers;* the *Works, Papers,* and *Correspondence* of the leading public men of the time; John Marshall's *Life of George Washington;* John Quincy Adams's

Memoirs; the *Diary and Letters* of Gouverneur Morris; Timothy Dwight's *Travels in New England and New York* (1796–1813); Rochefoucault-Liancourt's *Voyage dans les États-Unis* (1795–1797); J. Weld's *Travels through the States* (1795–1797); Thomas Ashe's *Travels in America* (1806); John Melish's *Travels in the United States* (1806–1811); John Davis's *Travels of Five Years and a Half* (1798–1802); S. G. Goodrich's *Recollections of a Lifetime;* William Sullivan's *Familiar Letters on Public Characters; Memoirs and Letters of Dolly Madison, Wife of James Madison;* John Randolph's *Letters to a Young Relative;* William Cobbett's *Porcupine's Works;* Henry A. Wise's *Seven Decades of the Union;* Timothy Dwight's *Character of Thomas Jefferson as exhibited in His Writings;* Henry Adams's *Documents Relating to New England Federalism;* James Monroe's *View of the Conduct of the Executive in the Foreign Affairs of the United States;* J. Stephen's *War in Disguise, or the Frauds of the Neutral Flags;* Coggeshall's *History of the American Privateers;* Dwight's *History of the Hartford Convention;* S. Leech's *Thirty Years from Home* (upon a vessel of the United States); and, after 1811, *Niles's Weekly Register.*

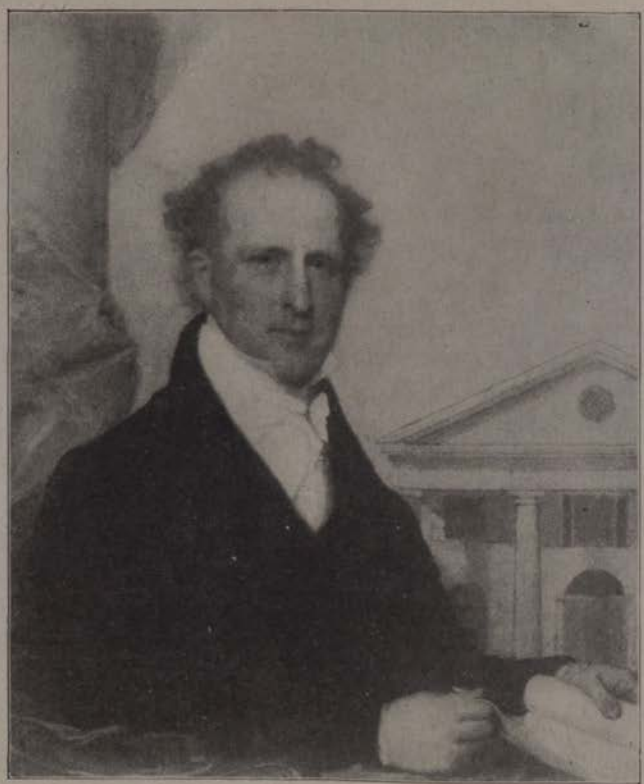
CHAPTER II

CRITICAL CHANGES

A CRITICAL presidential election had marked the very outset of the war. Mr. Madison had, no doubt, been Mr. Jefferson's lieutenant and chosen successor, and had meant to walk in his footsteps, preserving peace at the price of embargoes and domestic agitation, and keeping the federal government in the background, even though it should cost it its strength and prestige. But there had been men of his own party from the first who earnestly objected to the succession, wishing a leader of a different temperament and fibre. "We ask for energy," they said, "and we are told of his moderation; we ask for talent, and the reply is, his unassuming merit." The very war itself had come because Mr. Madison and his cabinet, like Mr. Jefferson and those who counselled him, had nothing to suggest, whatever wrong was wrought upon them,—except to withdraw from the seas, close the ports, build gunboats to defend the harbors, and wait until the inevitable should be at hand. While they waited every condition of national politics shifted and was altered, and watchful men who wished for action had grown deeply uneasy.

Sixteen years of Jeffersonian supremacy had culminated in a war which was against all Jeffersonian principles, and there had come about, while no one

planned, an unlooked for disorder of parties, a bewildering reversal of parts in every matter of policy. In June, 1813, Mr. Josiah Quincy, no Jeffersonian, but a Federal-



Josiah Quincy JOSIAH QUINCY

ist, professing to be of the school of Washington and Hamilton, had moved, in the legislature of Massachusetts, that "in a war like the present, waged without justifiable cause and prosecuted in a manner which in-

dicates that conquest and ambition are its real motives, it is not becoming a moral and religious people to express any approbation of military or naval exploits which are not immediately connected with the defence of our sea-coasts and soil,"—words which rang true to the earlier tones of Jeffersonian profession. The young leaders of the new Republican Congress, on the other hand, Jeffersonian Republicans though they professed to be, had pressed the war forward in the spirit, if not with the method, which had been Washington's and Hamilton's. Mr. Madison was not their real party head. Only eighty-three of the one hundred and thirty-three Republican senators and representatives attended the congressional caucus which gave him his nomination for a second term (May, 1812); and he won the election only by the vote of Pennsylvania. Mr. De Witt Clinton, of New York, Republican though he was, had put himself forward as an independent candidate, had carried New York with him into opposition, had received the support of the Federalists, desperate for success, and had been voted for by the electors of every northern State except Pennsylvania and Vermont. Mr. Madison had received the solid support of the South and the votes of Vermont and Pennsylvania. Pennsylvania's twenty-five electoral votes had decided the election (128–89). Parties were breaking up, and Mr. Madison's personality was not strong enough to hold his own party together. It had been a hazardous test of party allegiance with which to begin a war.

And then, when the war was over and Mr. Madison's eventful second term at an end, there had been another choice of President which seemed to go by rule of thumb rather than by the real preference of those who guided

DE WITT CLINTON

affairs. Mr. Monroe received the succession,—not because of his personal force or because of any gift of leadership discoverable in him, but because, by long public service and by intimate association with the leaders of his party, he had made his way into the inner

group of politicians long since gathered about Mr. Jefferson. Virginia, one of the most populous and influential States of the Union, was the Republican party's centre of gravity. Her public men, with twenty-five electoral votes behind them, dominated Republican party counsels; and Mr. Monroe was their choice for fourth Virginian President. His nomination was carried in caucus, it is true, only by the narrow margin of eleven votes over Mr. Crawford, of Georgia; but, that initial victory won, the presidency followed as of course. Mr. Madison had shown himself a statesman rather in the framing of institutions and the formulation of law than in the government of events. Mr. Monroe, without his studious comprehension of principles, stood for at least a like experience in affairs. The country, it seemed, was not yet ready for younger men, and there was no party set against him that could defeat him. The Federalists knew themselves discredited. What with their factious support of Mr. Clinton, who had never avowed any principle which they could pretend was their own, and the ugly threat of the Hartford convention,—their loss of principle in following the men they did follow and the openly avowed disunionist principles of the one-time leaders whom they did not follow, —the country at large had turned from them in contempt and deep distaste. Their electoral vote fell off to thirty-four again: the votes of Massachusetts, Connecticut, and Delaware.

No doubt it was a fortunate choice which preferred Mr. Monroe at such a time. A man of aggressive force and enterprising initiative would too much have disturbed the quiet, spontaneous processes by which, in those years of peace and yet of quick transition, par-

ties were finding themselves and making ready for a new age. That the new President was no master of men had become evident enough while he was a member of Mr. Madison's cabinet. He had accepted the Secretaryship of State in April, 1811, with the avowed intention of extricating the country from the entanglements into which Mr. Jefferson and Mr. Madison had suffered it to be drawn; but the dark tide of perplexed diplomacy which swirled about the Napoleonic wars, and which had overwhelmed Mr. Madison, had caught him also in its fatal drift, and he had become Mr. Madison's comrade merely, not his guide. He lacked originative strength, but not sound character; he fell short of the equipment of a statesman, but not of the equipment of an upright and serviceable public officer. He was able, his colleagues found, "to keep important matters steadily under his attention until he had mastered them and could form his judgment accurately concerning them"; and looked into his duties with "a mind of capital integrity and ingenuous honesty." Without the social gift to preside with grace, he brought dignity and good temper to his task, and the safe traditions of an elder school in politics.

While he steadily held the government to its accepted and established mode of action and of growth, many things disclosed themselves in the life of the country, and politics moved forward to a new order. Hitherto the country had known the leadership only of New England and the South, regions peopled straight out of the Old World: the one ruled by a professional aristocracy of ministers and lawyers, the other by a social and proprietary aristocracy of land owners; both governed, alike in thought and action, by old traditions

and both smacking, whatever their professions of democratic principle upon occasion, of an old-world taste for privilege and for the authority of a trained, experienced, disciplined minority. But since the new century opened and Mr. Adams gave place to Mr. Jefferson new States had come crowding faster and faster into the Union, and came crowding still: Ohio (1802), Louisiana (1812), Indiana (1816), Mississippi (1817), Illinois (1818), Alabama (1819); most of them springing up in the far valley of the Mississippi, where new communities bred a new air and the sap of a new nation was rising. Transplantation thither seemed to create a new race, —not the mere offspring of New England or the South, not mixed or compounded of the two in such ways as to reproduce the East, not moulded from the Old World, not homogeneous even, but full of racy elements united in a new and free combination, more like New York and Pennsylvania than like Virginia or Massachusetts, and yet different also from these, with a flavor and spirit distinctively its own.

The country was at last in a position to feel at their full these forces from within, and to respond to them quickly and naturally. By the mastery of Wellington and Blücher at Waterloo (June 18, 1815) Europe had found peace again. For the first time since the Revolution in France, since the setting up of the federal government in America, the seas were cleared of hostile armaments. Questions of impressment and of the rights of neutral carriers at sea fell quietly out of sight amidst a general peace. Every strain was eased, and the young state in the West, which the great storm of war over sea, spreading blackly from continent to ocean till it seemed to fill the world, had at last touched and tested, could

turn to its own affairs with a novel sense of freedom from outside influences or interruption.

She found her affairs and her life singularly altered.

Daniel D. Tompkins

DANIEL D. TOMPKINS

Peace changed the very face of trade. American skippers no longer had the lucrative advantage of commanding the only vessels free to pass from port to port amidst a world at war. There was, indeed, still plenty of carrying to be done at sea. Crops fell short in Europe

after the scourge of war, and America filled all the ships she could get with grain for the markets over sea. English merchants poured their goods once again into the American ports, so long shut against them by embargoes and war. But seamen of every nation could compete for the trade, and the Yankee skipper had no longer any advantage except such as his wit and sea-bred fitness gave him.

The very freedom with which trade moved, besides, altered the attitude of the country towards it. Manufactures had sprung up while the ports were closed. The very ship owners of the trading ports had in many instances sold their craft and put their capital into the manufacture of such things as were most immediately needed for the home market. By the year 1815 close upon fifty million dollars had been invested in the manufacture of textile fabrics alone. In 1808, when feeling ran so hot in the East over the embargo, there were but eight thousand spindles employed in the manufacture of cotton, and only some fifteen hundred bales of cotton per year were needed to supply them; but in 1815 there were five hundred thousand, and ninety thousand bales of cotton were used within the year to keep them busy. In 1814 Mr. Francis Lowell, of Boston, had set up at Waltham the first factory ever established in which every process in the manufacture of cotton, from the cleansing and carding of the raw material to the weaving of the cloth, was carried through under a single roof, each step intelligently and economically coördinated and fitted to the next. The secret of the power loom successfully put into operation in England in 1806 had been very jealously and carefully guarded by its inventors, but Mr. Lowell, with the

James Wilson

JAMES WILSON

assistance of shrewd mechanics, worked its principle out to a successful application for himself, and the American factory system was once for all established. The new movement did not stop with the establishment of cotton factories. The manufacture of wool and flax and hemp and even silk was added. The machinery which could not be bought in England was

CUMBERLAND GAP, NEAR WHEELING, VIRGINIA

made in America. Iron manufactures, long ago set up but tentative and feeble hitherto, increased from hundreds of thousands to millions in value under the stimulation of foreign trade cut off. Hides and skins were extensively prepared; liquors were distilled and fermented from the abounding grain and fruits of the country-sides; glass, earthenware, furniture, almost everything that was in general use in the country,

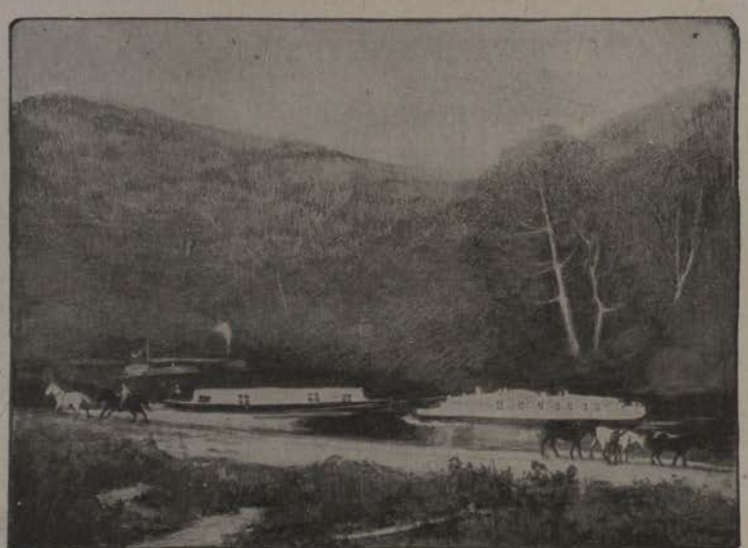
was sooner or later added to the growing list. Industries long ago begun upon a small scale took heart to grow, and those which Americans had hitherto not dreamed of attempting were hardily embarked upon. Distinct manufacturing regions began sensibly to develop in the middle States and in the East, with interests and characteristics which statesmen could not afford to overlook.

It was manifestly a menace to every young industry that a flood of English imports should continue to pour into the country at the open ports. The remedy was a protective tariff, such as Mr. Hamilton had wished to see at the first; and the young Republican leaders of Congress did not hesitate to advocate and establish it (April, 22, 1816). Mr. Madison himself favored and even urged it, as he had favored and urged also the re-establishment of the national bank. Western members of Congress supported it because they wanted and could get duties on flax and hemp. Every State in the Union except Delaware and North Carolina was represented by at least one member in the vote which established it. Men of the most diverse views and interests united in wishing to give the country not only political but also economic independence. Mr. Clay urged that it ought to be put into a position to develop every resource that could serve it or make it powerful in time of war. The duties imposed were not high: twenty-five *per cent.* upon cotton and woollen goods, and upon other manufactured goods in proportion. But the duties on cottons and woollens were made very formidable, as it turned out, by a provision that in no case should they amount to less than six and a quarter cents a yard. At the very outset that represented

a tax of more than twenty-five per cent. on the coarse goods which the southern planters bought for the use of their slaves; and as the processes of manufacture cheapened this fixed minimum represented, of course, a larger and larger fraction of the price. It was pretty sure in the end to become an effectual barrier against all foreign competition.

The men who planned these things saw also the danger of mere development, the risk in growth itself, unless the country, with its long coast and scattered settlements, spreading more and more upon the unlimited spaces of the great continent, were in some way bound together by easy means of intercourse and union. It had been found next to impossible to handle armies in the northern forests during the war, or in the long wilderness which lay upon the lower Mississippi between the Atlantic settlements and the Gulf: difficult to handle them anywhere at the heart of the country, even amidst the oldest settlements,—for lack of roads or any open way of transport except where rivers or the lakes themselves lay like highways. The troops had been time and again likely to starve, not because there was not food enough to be had upon the order of the government, but because it could not be got to them. The commissary had infinitely more difficult duties than the general in command. Great highways were needed, alike for war time and for times of peace, and a system of canals cut from watercourse to watercourse. Mr. Gallatin had outlined what ought to be done so long ago as April, 1808, in a forcible report to Congress, planning a whole scheme of intercommunication with all his wide-eyed, statesmanlike sagacity in such matters; but Mr. Jefferson, though he felt nothing

less than enthusiasm for the Secretary's plan, had demanded first a constitutional amendment to make it legal. Mr. Gallatin's broad purpose of "internal improvements" upon a national scale and at the nation's expense slumbered, therefore, until the Congress came which the young Republicans led who made war on England. Then (December, 1816) Mr. Calhoun, of South Carolina, proposed that the million and a half dollars which the new national bank had paid the government for its privileges should be set aside as a fund "for constructing roads and canals and improving the navigation of watercourses." But, though the bill passed, Mr. Madison vetoed it, entertaining Mr. Jefferson's scruples in the matter; and for a little while longer the plan was put aside. The federal government did nothing but slowly push forward through the Cum-



CANAL BOATS CROSSING THE MOUNTAINS

berland Gap into the West a single great road which was meant to be the nation's highway to the lands on the Ohio, its common estate in the far western valleys. This road the government had begun in 1806, and from year to year small appropriations had been made for its extension as opportunity or money permitted. But for anything more than this the time was not yet quite ripe.

The new national principles of the Republican leaders found fuller scope and a wider application in affairs when Mr. Monroe became President,—not so much because of any change from the old order of thinking in Mr. Monroe himself, as because events overruled party creeds and made their own terms with abstract principles. Subtly, insensibly, by an alchemy whose processes no man knew or guided, the transformations of growth were becoming also transformations of character in the young body politic of the Union. Young men, and men not hitherto looked to for leadership, were pushing themselves to the front. Mr. Madison had already called Mr. Crawford, of Georgia, one of the new group of congressional leaders, into his cabinet, and Mr. Monroe retained him as Secretary of the Treasury. He called Mr. Calhoun, of South Carolina, to the Secretaryship of War. The State Department, hitherto the chief post of each administration, he put into the hands of Mr. John Quincy Adams, whose defection from the Federalist ranks in 1808 had shown in him the temper and the audacity of the man who dares interpret the signs of the times and is not subject to the discipline of parties retrogressive or gone astray.

Letters written by Mr. Jefferson and Mr. Madison

from their quiet places of retirement could not hold the country back from radical change. Every year the mere scale of affairs, if nothing more, was enlarged and altered,—by the tidelike movement of population into the western country, the setting up of new States, the quick transfigurements of economic conditions, the incalculable shiftings and variations of a society always making and to be made. It was found when the census of 1820 came to be taken that the total population of the country had increased from 7,215,791 to 9,638,191 within the decade. Twenty thousand immigrants had come in at the ports the year Mr. Monroe became President (1817). It was not merely a growth along the old lines and at the old seats of population. The restless, unceasing, adventurous movement of the nation made a deeper impression upon its politics than did its mere growth. The boatman's song on the long western rivers, the crack of the teamster's whip in the mountain passes, the stroke of the woodman's axe ringing out in the stillness of the forest, the sharp report of the rifle of huntsman, pioneer, and scout on the fast advancing frontier, filled the air as if with the very voices of change, and were answered by events quick with the fulfilment of their prophecy.

Five States were admitted to the Union within the first four years of Mr. Monroe's administration, as many as had been admitted within the five-and-twenty years preceding, as many as were to be admitted within the five-and-twenty years to follow. And the list of new States was not complete before an issue had been raised whose significance was only too plainly of the future: not a thing to be settled at a stroke, but a thing to be slowly tried out by the long processes of

PRINCE METTERNICH

the nation's life. It startled him, Mr. Jefferson said, "like a fire-bell in the night." It arose out of the application of the Territory of Missouri to be admitted to the Union (March 6, 1818). Missouri had been settled out of the South; slave owners had followed the hardy first settlers thither; and now they asked leave to come into the Union as a State with the institution of slavery secured to them in their constitution. Here was a question which aroused passion and challenged principle upon the instant,—an issue between the North, which had rejected slavery, and the South, whose industries and whose very social order were founded upon it.

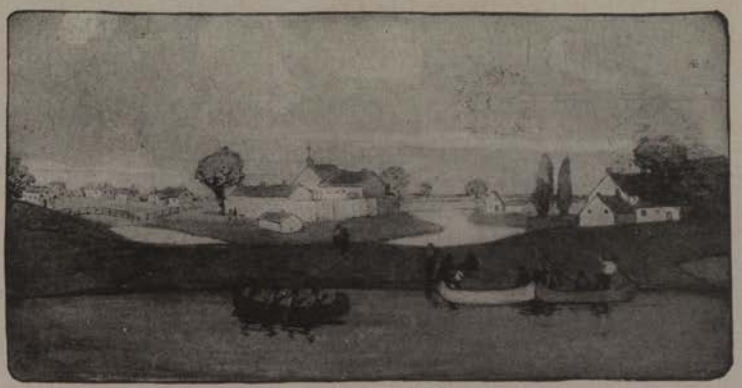
Southern statesmen had dominated the counsels of the ruling party of the nation these sixteen years and more. Men out of the South were also making and governing the West. The broad stretches of the great State of New York, themselves but half peopled and full of fair regions inviting to settlement, lay between New England and the far-away valleys where new States were to be built; the unoccupied forests of Maine were near at hand and easy of access at the north; many a tract within the borders of New England's own little commonwealths still awaited occupation and development. By special effort an "Ohio Company," organized in Massachusetts by veterans of the Revolution, had sent bands of settlers out of New England to lands which it had purchased and reserved upon the northern bank of the great river the French had coveted, and little hamlets of their making had sprung up there and flourished. Its settlers, crowding slowly in, had played a notable part in making the young State of Ohio ready for admission into the Union (1802). But

it was not men out of New England, or even out of Pennsylvania and New York, which lay so close at hand, who were as yet playing the chief part in the West. Kentucky and Tennessee, themselves but the other day built into States by hunters, woodsmen, pioneers, adventurers, while the Revolution was being fought out and the Union brought into existence, furnished the men who were fittest for the first enterprises of conquest and settlement beyond the Ohio and the Mississippi: the conquest of nature and of the doughty tribes of red men who were still knights challengers there in the daunting wilderness.

The Ohio poured its open flood along all the northern front of Kentucky from northeast to southwest; the Mississippi itself was at her doors at the west, and swept slowly down, below her, along all the western front of Tennessee. Kentuckians had constituted the chief part of the rough-and-ready muster which beat the English and Tecumseh's braves, their allies, at the Thames by Lake St. Clair, to make safe the northwestern border in the war of 1812. Tennesseeans, under a Tennesseean commander, had lain in the trenches at New Orleans in the mist of a January morning in 1815, and saved the South on a famous field. Men upon those frontiers had the initiative, the training, and the zest for every sort of daring and endurance, and a sense of comradeship which made the whole long border seem to them their common home and field of endeavor. It was they who crowded first across the great streams at their front into Indiana, of which they had been prompt to make a State in 1816; into Illinois, presently to be admitted (December, 1818); and into Missouri, which they now insistently asked leave to bring in. Indiana

and Illinois lay above the Ohio, and were parts of that great Northwest Territory which Virginia and her sister States had consented to part with as a preparation for the setting up of the Confederation. It had become, as they intended, a national domain, for whose organization and development the Congress of the Confederation had made well-considered plans in the famous Ordinance of 1787. That Ordinance was still the law of the land. It forbade slavery forever. The pioneers who had pressed across the Ohio from the south, to make the new commonwealths now established there, had been promptly followed by men out of the older settlements behind them. out of Virginia and North Carolina, and out of the long-settled neighborhoods of Kentucky and Tennessee themselves. These men had again and again petitioned Congress for permission to own and employ slaves in their new homes; but Congress had refused to relax the law. In Missouri there was no such bar. Slave owners could take up lands there and put their slaves upon them. It was a region carved out of the vast Louisiana purchase beyond the Mississippi. Its lands stretched wide upon the open prairies of a new region for which Congress had made no law. Institutions might shape themselves there at will; and did shape themselves, accordingly, to the masterful will of the aggressive men who had gone over to possess the land.

It was, indeed, a masterful race. which the men of the East were slow to understand or sympathize with,—a race bred to warfare and a lawless mastery. It had made short work of overcoming nature in the wilderness. and as short of driving the Indians with slaughter and savage force from their hunting grounds and bits of



CHICAGO IN 1821

tillage. It had meant to cross the river and make itself free of the great province of Louisiana whether Mr. Jefferson had bought the inviting region or not. Not content with such trade as they could get upon the rivers at the east, its pioneers sent caravans of white-hooded wagons across the long plains into the far south-west, from their new seats in the Missouri country to the Spanish settlements which lay upon the Rio Grande del Norte. Their talk was already of a time when they should thrust the Spaniard out there also, and have all the continent from ocean to ocean, north and south, as one unbroken national domain.

Such men were not likely to take a refusal when they asked to be admitted to the Union, whatever their proffered state constitution contained of institutions distasteful to politicians in the East. But their request threw Congress and the country itself into a very fever of debate. Here was indeed a critical choice to be made concerning the extension of slavery. Slavery had found no suitable place in the economy of the northern

States, where free labor had from the first predominated, and was now abolished: though it had been permitted in every one of them no longer ago than the year of the Declaration of Independence, and had been abolished in some but the other day. In the South, on the other hand, it had long been habitual and of the fixed and accepted order of society, the very foundation of an aristocratic system and way of life; and was now about to get a new hold and enjoy a new reason for being. In the days of the Revolution there had seemed a considerable body of sentiment against slavery even in the South. Many a generous protest had been uttered there against it, especially in Virginia, by men who were no closet philosophers, but the trusted representatives and leaders of their State; who declared that it discouraged arts and manufactures, degraded labor, and had a most pernicious effect on manners. But such sentiments had given way before the fact of its inveterate rootage and before the increasing value and serviceableness of slave labor in the cotton fields, as the crop rose from hundreds to hundreds of thousands of bales, and the spindles both of Old and New England waited on the bursting of the boles. The cotton gin which Mr. Whitney had invented enabled even an unskilful slave to cleanse a thousand pounds of cotton of its tenacious seed in a single day. Without it he had been able to cleanse but five or six pounds. The negro could endure the heat of the southern day in the open field as the white man could not. His labor had become the very sinews of the South.

Southern men had seen already what the system must cost them. Its mere existence meant that the North must outstrip them in population and in wealth.

White immigrants, free laborers, would not come into the South; and manufactures could not be built up where the only laborer was the awkward, careless, inapt slave. If the South could not keep her place in the race for men and wealth, she must lose also her place in the race for power. Slowly and surely, as representation was re-

JERSEY CITY IN 1820

apportioned from decade to decade, to correspond with the changes disclosed by the decennial census, her representation in the lower house of Congress must grow smaller and smaller, that of the northern States larger and larger, until she should be overwhelmed in matters of legislation by a governing majority which could neglect her peculiar interests at pleasure. Southern men did not doubt that such a majority would be used against the South. Their leaders felt sensibly enough

the subtle antagonisms which radically different social standards, radically different economic conditions, radically different interests and ways of thought made more and more intense from year to year. Here was already, they began to see, a nation of two disparate halves, whose interests, if indeed irreconcilable, as they seemed, must be kept at a nice balance over against each other,—a balance hazardous to maintain, fatal to give up.

This was the unpleasant light that shone upon the question of Missouri's admission to the Union with a slave constitution.[1] What division was to be made of the Louisiana territory as between the southern system and the northern? East of the Mississippi all was plotted out and settled that concerned this vexatious matter. The line of the Ohio, it had been agreed, should mark the cleavage between free States and slave. Mississippi and Alabama had offset Illinois and Indiana in the list of States created this side the Louisiana purchase. If the Senate was not to pass, like the House, entirely into the hands of a northern majority, there must be some similar division of the Louisiana country also, which stretched beyond the river, wide as the original domain of the Union. The case of Missouri must turn upon fundamental questions of interest, development, and political power.

For two years it hung doubtful, held in debate both within and without the houses of Congress; and it was settled at last only by compromise. It was agreed that Missouri should be admitted upon her own terms, with slavery sanctioned in her fundamental law, but that from all the rest of the Louisiana purchase lying north of latitude 36° 30′,—a line drawn beyond Missouri as

[1] See page 366.

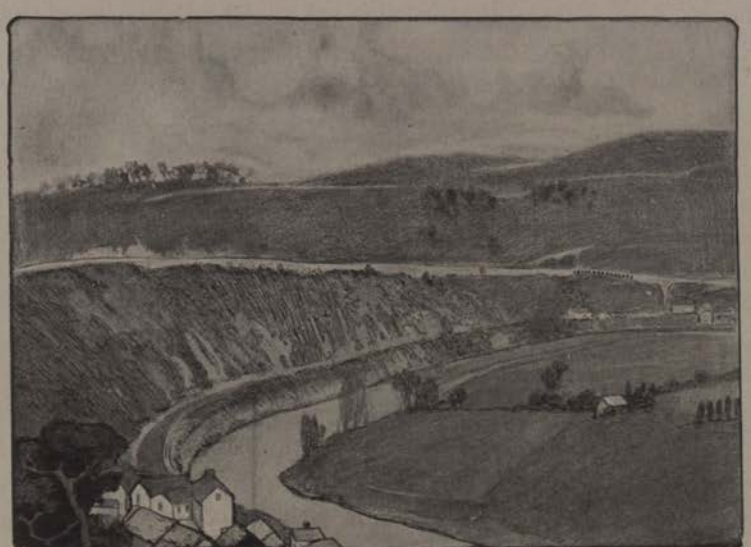
if straight into the west from the mouth of the Ohio, —slavery should be forever excluded, as it was from the Northwest Territory; and Missouri was with that understanding authorized (March 3, 1820) to organize a state government with slavery in its constitution. At the same time a bill was passed admitting Maine, in far New England, into the Union, as a counterpoise to the new slave State in the West. For a time the troublesome question was quieted; but many a sinister token of agitation and change had been brought to light in the long processes of debate. A sense of divided interests, sectional antagonisms, bitter personal feeling on the one side and on the other, a consciousness that fundamental contrasts and diversities of principle underlay the apparent agreement, wrought very seriously upon the minds of thoughtful men and could not soon or easily be thrown off.

Meanwhile other events pushed steadily forward the process of expansion and growth which was inevitably to hasten the solution of that and every other question of interest or of power. In 1810 Mr. Madison had taken possession of West Florida, the strip of coast which lay upon the Gulf between the Mississippi and the river Perdido, with its key at Mobile: upon the pretext that it was in fact part of the original territory of Louisiana, and had become the property of the United States by the cession of 1803. For seven years after that cession it had remained in the hands of the Spaniards, who considered it an integral part of Florida, in no way affected by Napoleon's sale of Louisiana to the United States. But settlers had crowded in from the States. Their self-assertion and independence of action there and their manifest determination to be

quit as soon as possible of Spanish rule had thrown affairs into confusion; and Mr. Madison made their interests his excuse for interfering. It was April, 1813, before the Spanish garrison at Mobile suffered itself to be crowded out and relinquished its post; but Congress had not waited for it to go. It had already apportioned the territory (1812), in part to the new State of Louisiana, that year created and admitted to the Union, in part to the Territory of Mississippi. Spain was in no position to resist. Napoleon's armies had overrun her (1810); she had become the battlefield upon which Wellington pitted himself against the marshals of France (1811–1812); her South American colonies had revolted against her and she was powerless to recover them; she could do nothing while Napoleon swept Europe with his power.

The government of the United States pushed its claims upon that frontier, accordingly, at every opportunity, and found opportunities enough in the disorders of the ill-governed province. Early in 1811 Congress had not scrupled to authorize the President to take "temporary possession" of East as well as of West Florida, by a couple of resolutions which were not made public until 1818; and only the President's good principle in the matter had prevented additional acts of aggression and virtual conquest. Finally war with the restless, marauding Seminoles who were still upon the border (1818) brought the inevitable outcome. Andrew Jackson was in command at Mobile. When once in the field against the red men he would not stop because they crossed the frontier into Spanish Florida, but followed them over the border as he would have followed them anywhither, with a vigor that never hesitated or re-

lented. Suspecting the Spaniards at St. Marks and Pensacola of giving shelter and encouragement to the Indians, he incontinently seized both places until he should have reported his business finished and learned what his government wished to have done with them. Deeming Alexander Arbuthnot, a Scots trader whom he found there in the Indian country and Robert Ambrister, an English ex-lieutenant of marines who could not give a satisfactory account of himself, to all intents and purposes "outlaws and pirates," paid emissaries of the English government to keep trouble brewing for the United States among the Indians of Florida, he hanged the one and shot the other out of hand, British subjects though they were and within the territory of Spain. He had understood his real errand to be the virtual conquest of East Florida, time out of mind the refuge of



CUMBERLAND ROAD, NEAR WHEELING, VIRGINIA

smugglers, runaway slaves, and broken and hostile tribes of Indians, and in time of war a constant menace to all the southern border because of the weakness or the unfriendly alliances of Spain.

Mr. Monroe and his cabinet were greatly shocked to learn what he had done in his headstrong masterfulness, and promptly restored Pensacola and St. Marks to the Spanish authorities; they saw nothing for it, however, so long as affairs stood as they did upon the border, but to defend their general's course for the rest, upon the ground that he had only pursued his Indian foes to their habitual refuge amidst the forests of the peninsula, and performed in Spain's stead the indispensable duties of police in districts infinitely disturbed and an undoubted menace to every neighbor. The Spanish government, on its part, saw clearly enough how defenceless and how useless Florida was, thus cornered and detached by the spreading power of the United States throughout the continent. On February 22, 1819, therefore, the Spanish minister in Washington, acting under new instructions from his government, signed a treaty by which Florida was ceded entire to the United States, in consideration of the payment by the United States of five million dollars in satisfaction of all claims, and the relinquishment by the United States of all right to the Texas country, where their title to possession was much better than it had ever been in any part of Florida. The Senate confirmed the treaty at once; the Spanish government tardily returned its ratification within a couple of years (February, 1821); and the questionable business was at an end.

Both Mr. Madison and Mr. Monroe addressed themselves very diligently, the war of 1812 being over and

all the world having come into a breathing time of peace, to clearing all foreign complications away. In 1815 Mr. Monroe, being then himself Secretary of State, had arranged with Great Britain a tolerably satisfactory commercial convention, which opened at any rate a part of the trade of the British West Indies to American ships. The same year the Dey of Algiers, who had taken advantage of the war to prey upon the commerce of the United States, was obliged upon Commodore Decatur's quarterdeck to sign a treaty of peace

THE CAPITOL AT WASHINGTON, 1804

and amity which he was not likely soon to break, having read his lesson at the port-holes of a formidable fleet in his harbor. In 1818 Mr. John Quincy Adams, acting under Mr. Monroe, negotiated fresh treaties with England under which the United States gained permanent rights in the Canadian fisheries, Great Britain gave up her claims to the navigation of the Mississippi, and the northern boundary line of the United States was determined from the Lake of the Woods to the Oregon country.

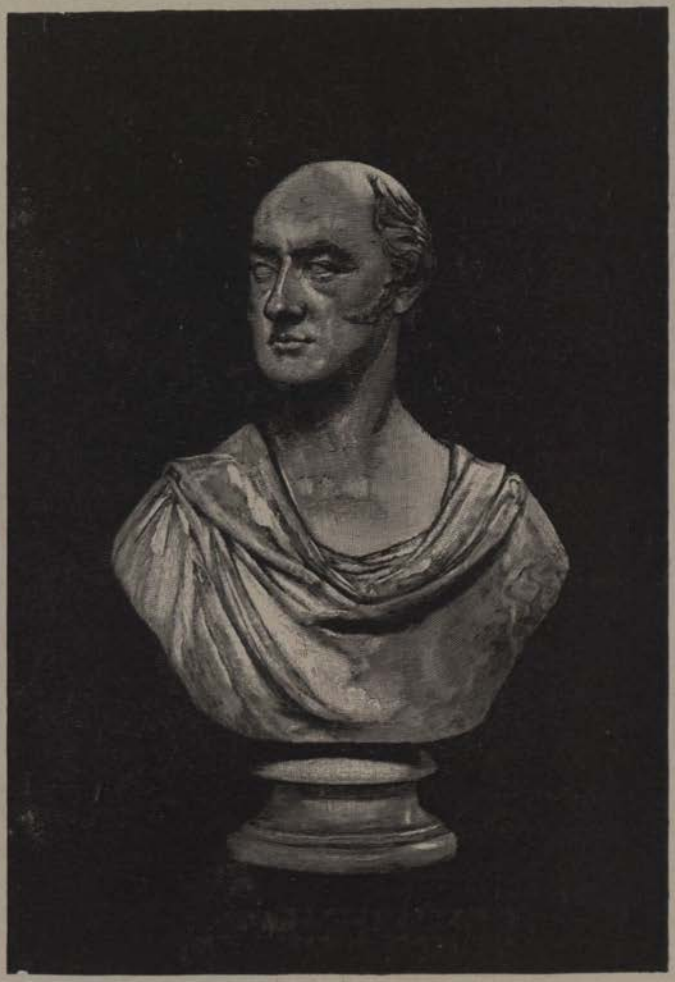
Fair skies at home and abroad cheered the country ere the time for choosing presidential electors came round again, in the autumn of 1820, foreign difficulties

having cleared away and the ill-omened Missouri question being apparently settled; and Mr. Monroe's re-election was agreed upon as of course. When the electors met in their several States to vote only a single one of their number, an elector of New Hampshire, indulged himself in an individual choice, voting, not for Mr. Monroe, but for Mr. John Quincy Adams. Every other vote was cast for Mr. Monroe. Even eight Federalist electors, chosen, along with seven Republicans, in Massachusetts, joined in the all but unanimous choice; and the election passed as if it were hardly more than an incident, a formality, at mid-term of the President's eight years of office.

There was no longer any Federalist party to be reckoned with in the field of national politics. Though Federalist views persisted, the name was a name discredited. The manufacturers of New England had been won over to the Republican party by the tariff of 1816; and had not cooled towards it because the Senate rejected the still higher duties which Mr. Monroe had recommended and the House had adopted. The rich merchants at the eastern ports did not like the tariff, but did like the President and the treaties of commerce and of peace he had secured. He had declared himself opposed to "internal improvements" at the national expense, upon which, progressive men thought, the movements and the expansion of commerce must in no small degree depend; and in 1822, when Congress put him to the test, he vetoed even an appropriation for the Cumberland road; but he presently modified his views on that point, and, for the rest, held so steady and reasonable and open a course, and was upon occasion so spirited in defending the nation's interests, that criticism

gathered no head against him. Politicians schemed for personal advantage behind the scenes, not forgetting the next presidential election. Now one group and again another essayed to gain control of affairs. To those who read very curiously the signs of the times new parties seemed to be perceptibly enough outlined just beneath the surface of events. But on the surface there was a great calm, and to the country at large it seemed an acceptable time of concord, an "era of good feeling." The strain of politics was eased.

With the return of peace all questions had become domestic questions, and there seemed now, for the nonce, to be no serious differences of opinion concerning them. Mr. Monroe took an early opportunity to domesticate, as it were, the very foreign policy of the government, by confining its issues to the Americas. European statesmen were putting their houses in order after the convulsions of the Napoleonic wars: setting up thrones which had been overturned, rehabilitating states which had been torn asunder, reassigning territory, establishing once more the balance of power and the rights of shaken dynasties. Finding their careful work likely to be marred and rendered of no avail by the passion for liberty which had spread like an unquenchable fire out of France and touched the subjects of almost every sovereign of Europe, they drew their states together under the leadership of Austria and her consummate Metternich to crush every rising, silence every demand for liberal reform, and make good the jeoparded absolutism of their kings throughout the length and breadth of Europe. Their reactionary purposes having been accomplished with some touch of thoroughness on the continent itself, Spain prayed

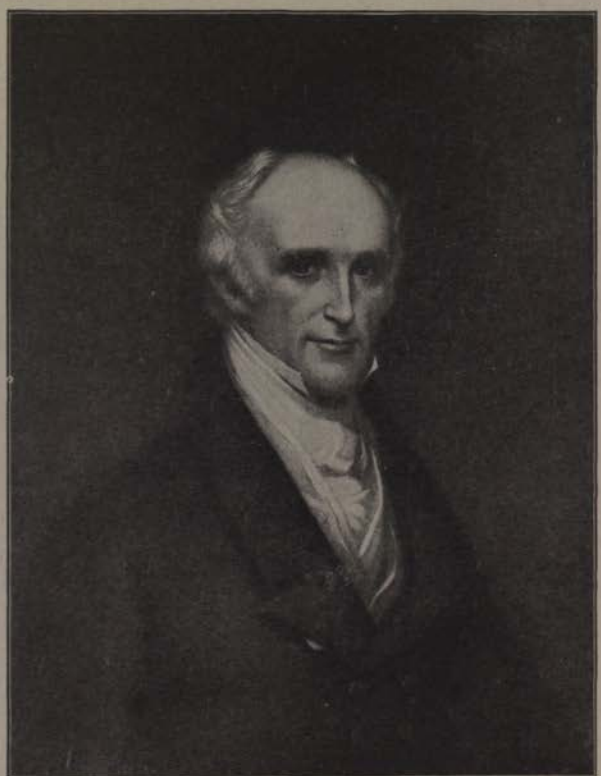


BUST OF GEORGE CANNING

them to assist her to win the revolted colonies of South America back to her crown, and they seemed about to accede to her prayer.

Mr. Canning, England's watchful minister, saw at once the peril there would be in that to England's trade in the south. He knew, too, how hearty a sympathy the people of the United States entertained for the newly liberated peoples and the newly established republics of the southern continent of America, and how profitable a trade American as well as English merchants were finding in the ports which only revolution could have opened to them. He proposed, therefore, to Mr. Rush, the American minister in London, that the United States should join with England in protesting against the attempt of any outside power to restore Spain's authority in America. Mr. Adams, the Secretary of State, did not relish the suggestion, though he approved the object. He thought such a course too likely to make the United States merely "a cock-boat in the wake of the British man-of-war," and so draw them again and at a disadvantage into European politics; and Mr. Monroe accepted his view in the matter. A different but no less effective step was taken. In 1822 the President had recognized the independence of the South American republics. In his annual message of December, 1823, he told Congress and the world what attitude he meant to take towards any attempt on the part of the European powers "to extend their system to any portion of this hemisphere." He should deem such an act, he declared, dangerous to the peace and safety of the United States. "With the existing colonies or dependencies of any European power," he said, "we have not interfered and shall not interfere. But with

the governments who have declared their independence, and maintained it, and whose independence we have,



Richard Rush.

RICHARD RUSH

on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any

other light than as the manifestation of an unfriendly disposition toward the United States." No one could mistake the meaning of the words, and Spain's plans in the south were given up. This Mr. Adams and Mr. Monroe meant to be American, not European, policy.

What had made the matter seem the more exigent and important was the unpleasant fact that Russia was gaining a foothold in North America itself. Russian fur traders were pushing and extending their trade not only in Alaska, which the Russian government claimed by right of discovery (1741), but also along the coasts to the southward, nearer and nearer to Oregon, which England and the United States, suspending their rival claims for the present, had agreed (1818) to occupy in common. The Czar claimed all the coast waters of the region as his own, and forbade seamen of any other nation (1821) to approach within one hundred miles of the American coast north of the fifty-first parallel. Mr. Adams had feared that, should the European coalition of which the Czar was so influential a member interfere in the affairs of Spain at the south, Russia might take the Spanish province of California as compensation for her trouble, and shut the doors of the Pacific once for all against the expanding Union. Mr. Monroe, therefore, spoke very plainly upon that point also in his message.[1] "The American continents," he said, "by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power." These decisive words proved sufficient. Whatever may have been Russia's plans, she did not care to force them now; and in the closing months of Mr. Monroe's administration (April, 1824)

[1] See page 374.

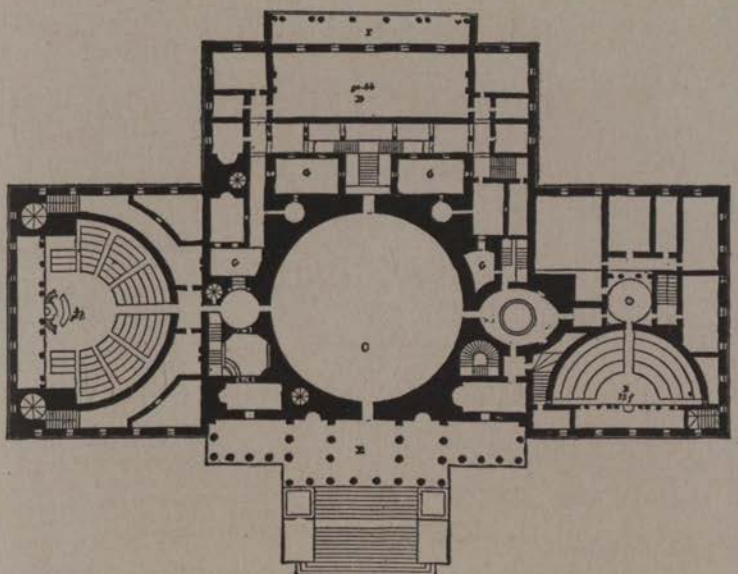
she agreed to a treaty in which it was stipulated that the fisheries and the navigation of the Pacific were to be open to both parties, and that the line 54° 40′, north latitude, should divide their future settlements. The next year she made a similar agreement with Great Britain.

In 1824 Congress passed and the President approved a bill increasing duties on metals and on wool and hemp, in order that the protective system might be a little strengthened; and a bill providing for extensive surveys for a national system of canals, in order that an adequate improvement of the means of trade and intercourse might accompany the quickening of industry.

And then, amidst a general scramble for the presidency, the country found how deceptive had been the political calm of the last few years. Personal rivalries disclosed, almost of a sudden, a new cleavage of parties. It was natural that Mr. Adams, as Secretary of State, should expect the succession to the presidency. Mr.

REAR VIEW OF THE CAPITOL AT WASHINGTON, 1820

Madison had been Secretary of State under Mr. Jefferson, Mr. Monroe under Mr. Madison: the Secretaryship of State had come to be looked upon as the post to which



GROUND PLAN OF THE CAPITOL, 1825

A. House of Representatives, 96 feet radius; B. Senate Chamber, 75 feet radius; C. Central Rotunda, 96 feet in diameter; D. Library, 96 x 34 feet; E. Eastern Portico; F. Western Portico; G. Open Areas. The eastern front is 350 feet long.

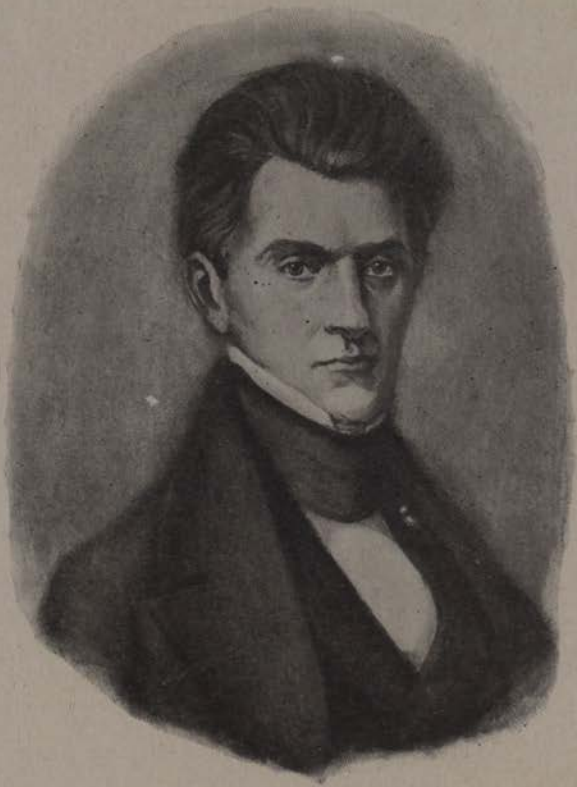
the natural successor of the President should be called, and twenty-four years had given that understanding the dignity of precedent. Mr. Crawford, the Secretary of the Treasury, however, was determined that he should not again be passed by in the choice, and took pains to make himself, so far as might be, the official nominee of his party through the accustomed congressional caucus. Only a handful of his personal followers, indeed, and of the better disciplined adherents to old practice at-

tended the caucus when it met: the country had already grown impatient of that method of naming candidates, and Mr. Adams was understood, despite the caucus, to be the real candidate of the older elements of the party,—if party there was where all acted as if with common principles. The legislatures of Kentucky, Louisiana, Missouri, Illinois, and Ohio, the field being open, took leave to nominate Mr. Clay, the popular Speaker and acknowledged leader of the House, through whose eloquent tongue the new West rejoiced to hear itself given utterance. The legislature of Tennessee and several conventions in various parts of the country nominated Andrew Jackson, the headstrong, redoubtable Tennesseean soldier, now, though almost unnoticed there, a member of the Senate.

The nomination of General Jackson could very well be ignored, it seemed at first, as a mere rally of his personal friends here and there, so much of an outsider did he seem in every circle of politicians. "He is respected as a gallant soldier," said the chief political newspaper of New York, "but he stands, in the minds of the people of this State, at an immeasurable distance from the executive chair." The vote of the electors, however, put a very different color on the matter. It stood, for General Jackson, ninety-nine; for Mr. Adams, eighty-four; for Mr. Crawford, forty-one; for Mr. Clay, thirty-seven. Over the vice presidency there had been little contest: Mr. Calhoun was chosen, as had been expected, by a handsome majority. No one having received a majority of the votes for President, the election went, as the constitution provided, to the House, whose choice was limited to the three candidates who stood highest in the electors' list. Voting by States, as

was prescribed, the House chose Mr. Adams, to whom Mr. Clay's friends gave their support.

There was in this sharp and doubtful struggle for



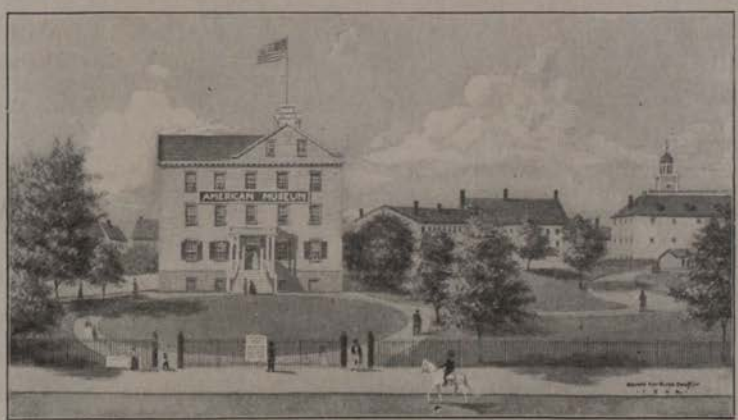
JOHN C. CALHOUN

the presidency, with its closing appeal to the managing politicians of the House, just shock enough, just thrill and zest enough of direct challenge and open contest, to bring the hidden lines of party to the surface. The four years of Mr. Adams's administration completed

their disclosure, and changed the whole face of politics. The new President was undeniably the choice of a minority of the nation. He seemed to the impatient men of the new generation to be holding the government arbitrarily back from the touch of renewal and of democratization which they were eagerly waiting to give it. Mr. Adams seemed to them to represent the traditions of the old order which had passed, and to be a mere obstacle to the acknowledgment of the new order which had come. His very stiffness and precision of manner, as of the old school; his cool, unsympathetic aloofness from the men about him, repelling intimacy or any warm confidence; the dash of acid in his careful rectitude; his whole attitude, as of a man who administered his great office as a purely personal trust, for which he alone was responsible, and kept all others at arm's length, enhanced the impression of his separateness, his single survival out of an age gone by. John Adams, his father, and Thomas Jefferson, whom he had first opposed and then followed, died the next year after he came to the presidency, passing away together on the fiftieth anniversary of the Declaration of Independence (July 4, 1826), the last great figures of the nation's first generation of statesmen. The President seemed to have their principles without their warmth, to stand older than his years amidst a scene transformed.

Social changes had come upon the nation thick and fast with the passing away of that first age, in which the government had been set up and had received its life and structure, and radical political changes had inevitably followed in their train. In the gathering host of new States at the west there could be nothing

but levels of privilege: no special class, trained and preferred for government, as in New England and the South, but universal manhood suffrage; and the example of the West had reacted powerfully upon the East. There, too, social change was touching affairs with the touch of transformation. Airs blew everywhere out of the West. Because its lands were open and not too far away, and every man could betake himself thither



NORTH END OF CITY HALL PARK, NEW YORK, 1825

if he chose and be his own master, those who stayed at home in the East, whether common or gentle, had the flavor of independence, the choice of individual initiative in their lives, and counted, not in the mass merely, but as efficient units in every reckoning, social or political. New industries raised new classes, to rank with the merchants and the lawyers of the older order. The quick, incessant initiative of individuals broke the lines between class and class so often athwart that they became at last confused and lost. The suffrage was inevi-

tably widened in the East, as in the West; and with the number of voters the number of those who played a managing and organizing and originative part in politics also increased. Every right, as far as might be every function of politics, was thrown open to every man. Nine out of the fifteen States which took part in the second election of General Washington chose their electors through their legislatures; only six gave the people any direct part in the choice. In the election just decided by the vote of the House, on the contrary, the electors had been chosen by the direct vote of the people in eighteen out of the twenty-four States of the Union. Before another presidential election came around every State except Delaware and South Carolina had adopted the same popular system.

It was the pulse of these changes that now beat in affairs. A new democracy stood eager for its triumph, —now a second time, as first in 1800. It was tired of the "Virginian dynasty" that had ruled it, as if by prescriptive privilege, since the century opened, and was infinitely impatient of Mr. Adams as its heir and successor. Mr. Clay had seemed for a little while the preferred spokesman of the new generation, a veritable voice of the West and of democracy upon a new field, uttering its hearty ardor for a policy at once continental and of the people. The new State of Missouri had added Mr. Thomas H. Benton to the roll of Senators, to put his mass also into the western scale, a new leader among Democrats. But Mr. Clay lacked the unhesitating boldness and audacity loved on the frontier; had the address of the careful politician; brought his free and telling eloquence to the service of old ideals, merely quickened by new affairs; was not wholly of the West. Mr. Ben-

Thomas H. Benton

THOMAS H. BENTON

ton was heavy with a touch of pedantry, and had the self-assertion of the egotist, not of the leader. The new impulse of the time craved a hero rather than a statesman. No one knew or asked General Jackson's opinions. His friends put him forward, not as a thinker or even as an organizer of parties, but simply as a man, whom the nation could trust: a man with rugged strength enough to break the old order in politics, now grown artificial, and inaugurate a new, under which the people, whose child and type he was, should come to their own.

That was the significance of the ninety-nine electoral votes cast for General Jackson in 1825. It was a bitter thing to bear, his supporters found, to see Mr. Adams preferred before him, and Mr. Clay's support given, out of the West itself, to the candidate of an eastern minority, —so bitter that they protested in their anger against the constitution itself, which made the thing possible: against any law, though it were the fundamental law of the land, which could thus restrain and defeat "the will of the people." Their bitterness turned to malice when Mr. Adams asked Mr. Clay to become Secretary of State under the new administration and Mr. Clay consented. There was here, they said, palpable evidence of a bargain, an office given for an office received, a self-seeking combination to keep the people's candidate out,—"a coalition," exclaimed John Randolph, with bitter jest, "unheard of until now, of the Puritan and the blackleg." The charge was shown to be absolutely groundless. There had been no previous understanding whatever between Mr. Adams and Mr. Clay. But they were facing men who in the vehemence of their passion believed what they chose, and

whose leader was as implacable and as obstinate in error as he was honest and direct in action.

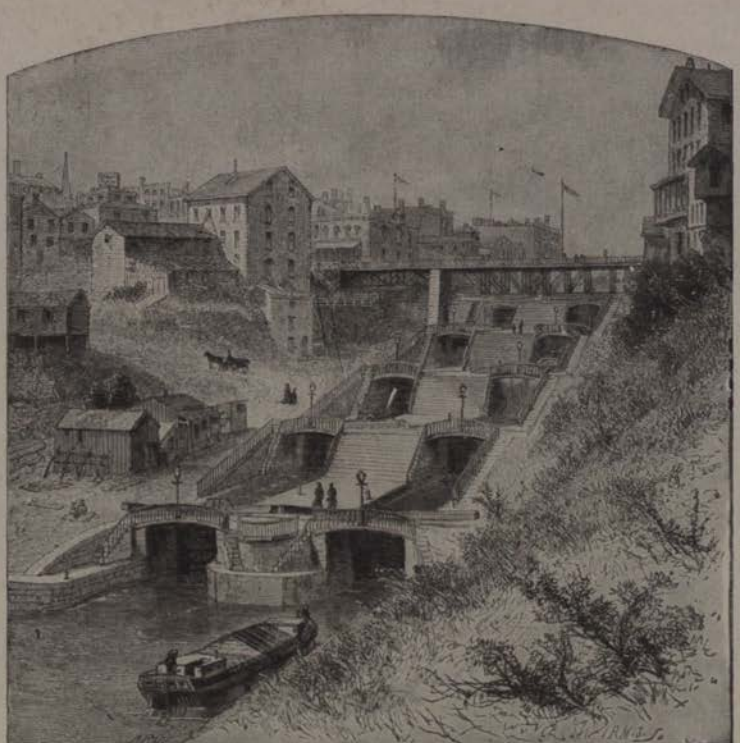
General Jackson had been bred by the rough processes of the frontier; had been his own schoolmaster and tutor; had made himself a lawyer by putting his untaught sagacity and sense of right to the test in the actual conduct of suits in court, as he had made himself a soldier by taking the field in command of frontier volunteers as unschooled as himself in discipline and tactics. There was a certain natural grace and sweetness in the man when he was at ease, and an impressive dignity always. "General Jackson's manners are more presidential than those of any of the candidates," wrote a leading member of the House who was his opponent. "He is grave, mild, and reserved. My wife is for him decidedly." But his nature was compact of passion. His prejudices, once fixed, were in-

THE ADAMS MANSION, QUINCY, MASS.

eradicable. He believed with all the terrible force that was in him, when once engaged in any public matter, that those who were with him were his friends and the country's, those who were against him enemies of the country as well as of himself. Knowing his own convictions to be honest and formed without selfishness, he took their wisdom and their reasonableness for granted, and believed every one who held opinions opposed to them to be moved by some sort of public or private malice. He had declined at first to let his name be used in connection with the presidency, deeming himself old at fifty-four (1821), feeling ill from the effects of the hardships he had undergone in Florida, and believing himself unfit for the office. But, candidacy once undertaken, his passion played along every line of emotion and conviction opened by the novel business, as if he were again in the field with troops, and his friends were themselves at a loss how to govern him.

It had needed such a striking personality as this to bring parties to a head. They took form rapidly enough when he came upon the field. The coalition between Mr. Adams and Mr. Clay had been not only incorrupt, but an arrangement to be looked for in the nature of things. Mr. Clay stood in all his thought for the same principles of liberal construction in applying the constitution and for the same purposes of legislative action in furthering national interests that Mr. Adams frankly avowed and earnestly advocated: protective tariffs, internal improvements; the deliberate building up and binding together of the nation. General Jackson's friends, on the contrary, were found for the most part among the men who had reacted against this new programme, in which every principle and purpose of the

old Federalists seemed revived, and who were harking back to the principles upon which the Republican party of Mr. Jefferson had been founded: a scrupulous limitation of the powers of the federal government, a studious regard for the separate powers of the several States, a democratic diffusion of power throughout the body politic. Mr. Crawford had latterly been of these principles; but Mr. Crawford was now broken in health, and his followers had turned to General Jackson. Whether General Jackson definitely or consciously



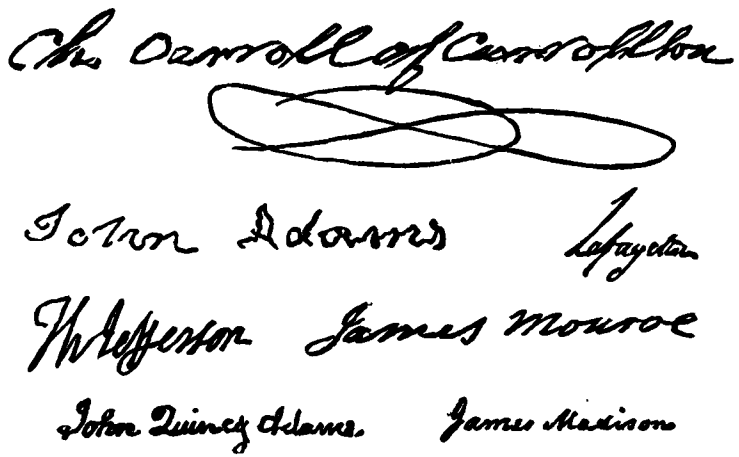
LOCKS ON THE ERIE CANAL

held their views or not they did not stop to ask. What was of moment to them was, that he stood in the eyes of the whole nation an unmistakable type of the unsophisticated man of the people. His instincts, they felt sure, could be trusted to make and keep him a partisan of popular privilege and local self-government. And so parties formed: *National* Republicans, as they began to call themselves, turned to Mr. Clay and Mr. Adams for leadership, while all "Democrats" of the older type turned to those who pressed the candidacy of General Jackson.

Though the men who thus drew apart into the one group or the other did not at once recognize their new comradeships in affairs as the permanent comradeships of principle or feel at first the bonds of party in their new association, it soon became evident enough that the election of 1825 had marked a parting of the ways, at which, consciously or unconsciously, public men had made their individual choices upon principles which must henceforth permanently separate them; had arrayed themselves in opposite camps upon a set field of party contest. They awaited only Mr. Adams's going out to put the fight afoot.

The four years Mr. Adams was President yielded, accordingly, scarcely a single important measure either of legislation or of policy. They proved to be a season between times, in which the new parties got their first drill and organization, and merely manœuvred for advantage in the final struggle, the decisive victory and defeat, to come. Hitherto the President had been always the real leader of the government. His messages had in no small degree constituted the programmes of party action, in Congress hardly less than

in executive policy. Now, of a sudden, they counted almost for nothing. Mr. Adams was treated as if he were the leader of a faction. Congress seldom vouchsafed so much as a respectful consideration to his suggestions. Fresh congressional elections filled the House with his opponents. Now and again a measure passed which the Administration was known to favor; but



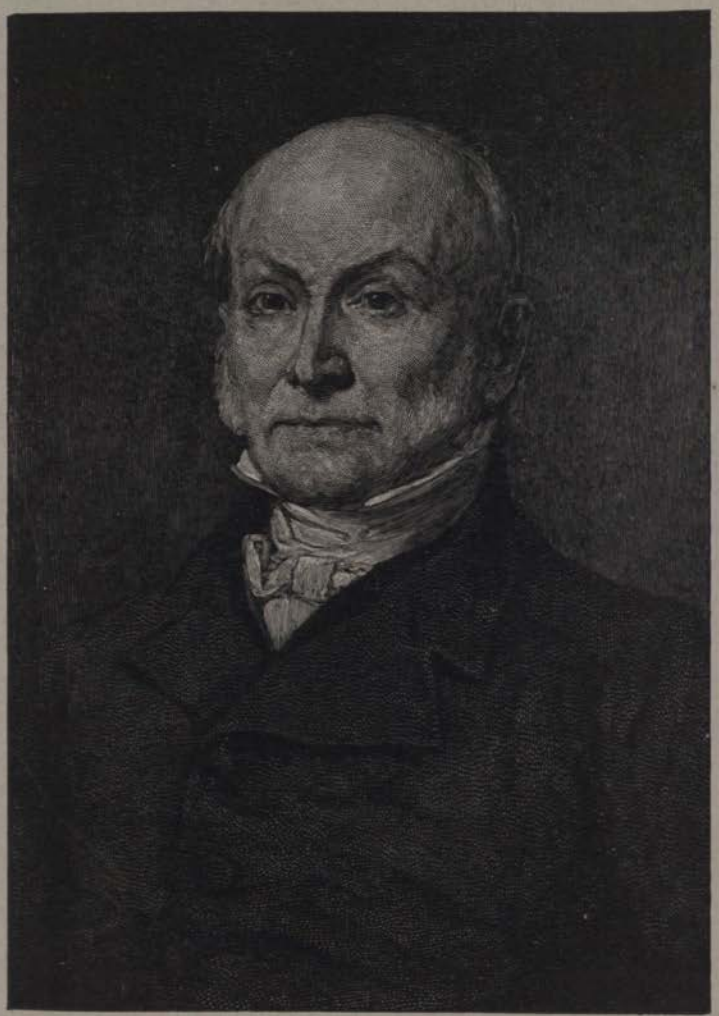
AUTOGRAPHS OF INVITED GUESTS, ERIE CANAL CELEBRATION

only, it seemed, because the discipline of parties was not yet recast, and some men were guided, when they chose to be, by old ties or individual preferences.

Mr. Adams performed his duties with the diligence, the intelligence, the high-minded regard for principle that had always characterized him. No man of his generation was better acquainted than he with the field of foreign policy, still here and there perplexed and ominous; and he applied himself like a statesman to the settlement of every question that was likely to affect

either the trade or the peace of the country. His successful treaties of commerce nearly equalled in number those of all the preceding Administrations put together. But in the chief matter of all he failed, and his opponents noted that alone. In 1815 Mr. Monroe, then Secretary of State, had succeeded in obtaining from England the right of trade with the British West Indies, in which, the ports once open, American merchants and skippers easily gained a virtual monopoly; but in 1825, when that agreement lapsed, England changed her policy, opened the West Indian ports to all the world on terms which put the United States at a disadvantage, and, because the United States did not, within a year set, accept the new arrangement, flatly refused so much as to open the matter again for negotiation (1826). Congress, not Mr. Adams, had been at fault; but the country, indifferent to him at best, made no inquiry into details: remembered only that he had failed to secure the invaluable West Indian trade.

The party contests of those barren years of divided counsel turned chiefly upon the tariff and upon the question of internal improvements. Mr. Adams was an avowed advocate of internal improvements upon a national scale, conceived and carried forward in accordance with a comprehensive system thought out beforehand, and completed from session to session as the resources of the Treasury permitted,—such a scheme as Mr. Gallatin had long ago conceived and advocated and Mr. Jefferson had postponed till the constitution could be amended. But the new "Democrats" made that impossible. Money in very liberal sums was voted from time to time for specific works of general or local utility, but the idea of a system of national im-



J. Q. Adams

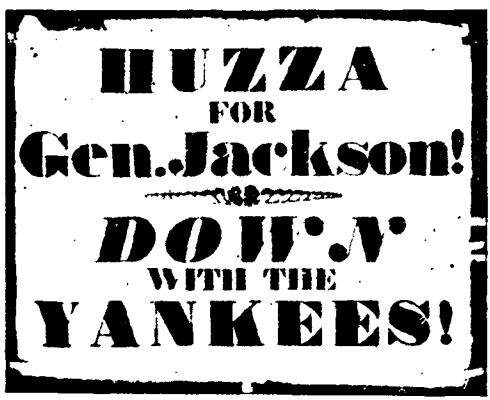
JOHN QUINCY ADAMS

provements undertaken by the federal government had to be given up.

The tariff was another matter. The systematic protection of domestic industries, once undertaken, could not be kept squared with its object or maintained in good repair without frequent alterations and adjustments. The very system itself, moreover, was an incitement to every industry in the country, new or old, to clamor lustily, in season and out of season, for its share in the gainful arrangement. There was no one to govern the competition. First, interest vied with interest in an open field; then, rather than destroy each other, interests combined in an ill-assorted muster, whose demands the committees of Congress could neither reconcile nor withstand. The result was the tariff

ST. PAUL'S CHURCH AND BROADWAY, 1831

of 1828. In July, 1827, a convention of protectionists had been held at Harrisburg, upon the initiative and invitation of the Pennsylvania Society for the Promotion of Manufactures and the Mechanic Arts. It had been called in the interest of the wool growers and manufacturers, but the politic general invitation by which it had been made up had bidden every other industry that chose send its delegates also. Many came

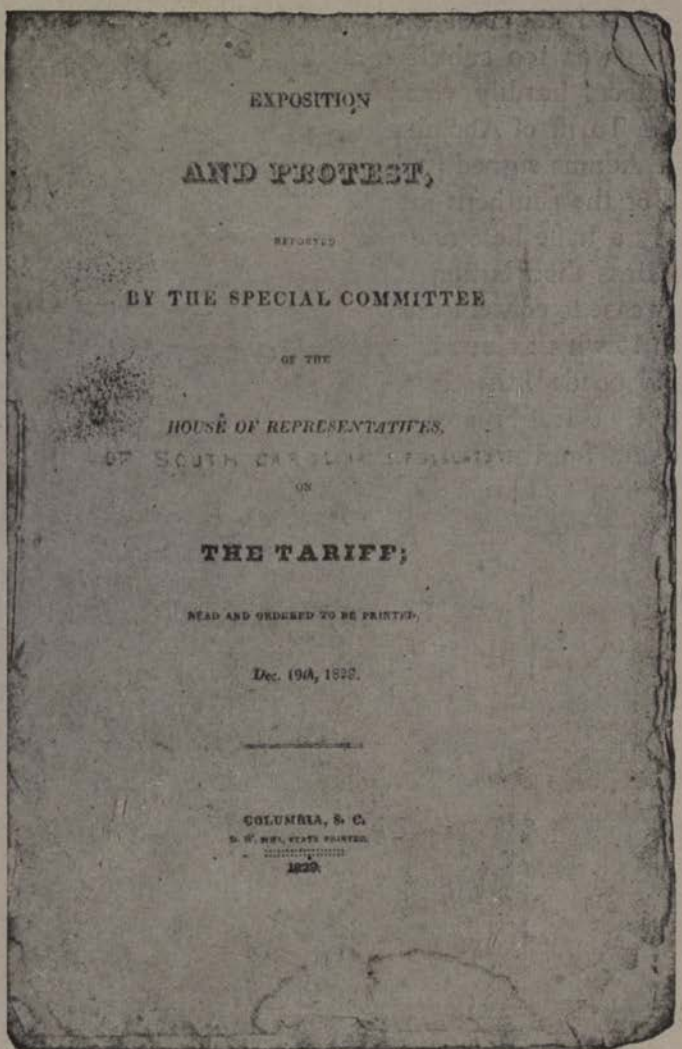


CAMPAIGN POSTER OF 1828

who recked nothing of wool; and every industry represented put its own demands into the petition which the convention addressed to Congress. Congress, responding to the petition, put into its bills a like incongruous miscellany of provisions,—protection for all who asked it. The opponents of the tariff tried the too subtile game of discrediting the threatened legislation by thickening at every point its confusion of contradictory items; heightening in every possible way its absurdities and inconsistencies. They especially counted on forcing the New England manufacturers

to vote against it by filling it with provisions which increased the cost of their raw materials. But the game was too subtile and failed. The New England members hardily voted for the measure as it stood,—"the Tariff of Abominations." It passed both houses, Mr. Adams signed it, and it became law.

For the southern men that was a day of awakening. Only a trifle here and there could come to them in this reckless distribution of favors. They were obliged in any case to content themselves with the agricultural system to which slave labor shut them in. Their prosperity depended, therefore, most of all, upon the free movement of trade: particularly upon a free and normal market for their cotton. Tariff measures which strangled trade at their ports put them at a distressing disadvantage. They got no more for their cotton than before: got less and less, indeed, as the crop increased; and yet they paid more for almost everything they bought. And what did they not buy? Each successive increase of duties seemed a heavier blow than the last to them, and even Mr. Calhoun put himself forward to stop the mischief. Many a southerner, many a South Carolinian, in Congress and out, had cried sharp warning ere he heeded. He yielded at last rather to the compulsion of opinion in his own State than to his individual observation and conviction in the matter, so thoroughly national were his instincts, so clear and imperative hitherto had been his bent towards a statesmanship which should take the whole country into its view. But his mind once engaged, and his passion for the interests of the people he served, and he seemed of a sudden the leader, almost the originator, of sectional opposition.



EXPOSITION

AND PROTEST,

REPORTED

BY THE SPECIAL COMMITTEE

OF THE

HOUSE OF REPRESENTATIVES

OF SOUTH CAROLINA

ON

THE TARIFF;

READ AND ORDERED TO BE PRINTED,

Dec. 19th, 1828.

COLUMBIA, S. C.

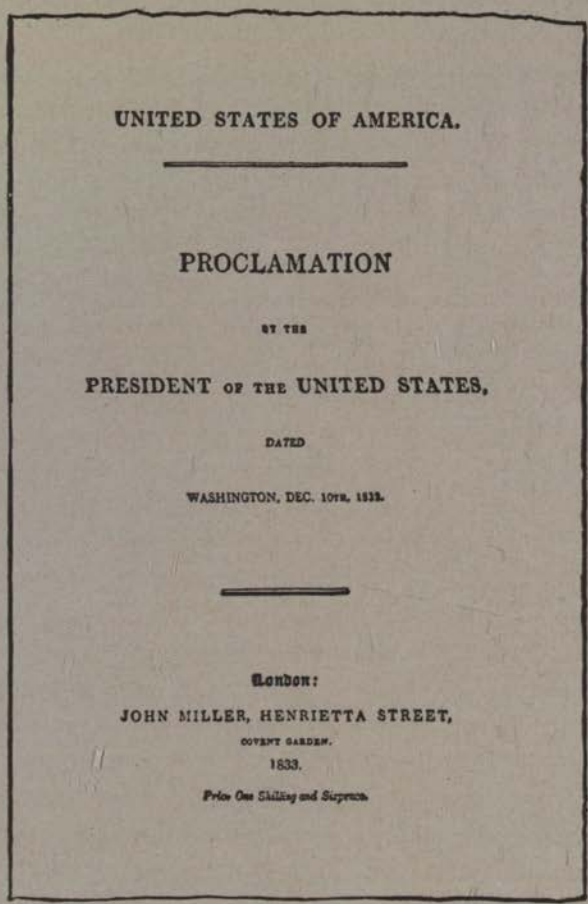
1829.

TITLE-PAGE OF CALHOUN'S "EXPOSITION"

Assuredly, though a section, the South was making contributions to the wealth and commerce of the country which entitled her spokesmen to a hearing. The total value of the exports from the United States in 1829 was $55,700,193, and to this total the southern States contributed no less than $34,072,655, in cotton, tobacco, and rice,—very nearly three-fifths of the whole. The total value of agricultural exports for the entire Union was $44,000,000. Of that total three-fourths came from the South. The value of manufactured articles exported footed up but $6,000,000, all told. The value of the cotton alone that went out at the ports was $26,575,311. And South Carolina was entitled to speak for her sister States. Her exports in 1829 were valued at $8,175,586. Only Louisiana in the South and New York and Massachusetts in the North showed a larger total.

It was the scope and precision of his mind that gave Mr. Calhoun his instant pre-eminence. He based his opposition directly upon the constitution itself, as his friends in South Carolina had done; but the argument in his hands seemed new because he made it so striking; seemed radical because he made it cut with so keen an edge of logic. It was, in fact, the old argument of the Virginia and Kentucky Resolutions, made but a little more definite, pushed but another step towards practical application. The southern States, Mr. Calhoun pointed out, were set apart from the rest of the Union, and, so far as any man could see, permanently set apart, by reason of their "soil, climate, habits, and peculiar labor," to be "staple States," without diversification of industry. In matters of commercial policy their interests could never be wholly coincident with those of

the rest of the country, and if Congress suffered their interests, which did not change, to be sacrificed to the



UNITED STATES OF AMERICA.

PROCLAMATION

BY THE

PRESIDENT OF THE UNITED STATES,

DATED

WASHINGTON, DEC. 10TH, 1832.

London:

JOHN MILLER, HENRIETTA STREET,

COVENT GARDEN.

1833.

Price One Shilling and Sixpence.

TITLE-PAGE OF JACKSON'S "PROCLAMATION"

interests of the rest of the country, which shifted and were new with each generation, their case would be intolerable, and the understandings of the federal ar-

rangement clearly set at naught. Was it not, in truth, the right of States put thus at a fatal disadvantage in respect of their very means of subsistence to have recourse once again to the ultimate authority underlying the whole structure of the government? Must they not in such a peril take their defence into their own hands, and declare the statutes under which they suffered null and without effect within their borders until a convention of the States should once more have considered the fundamental law and its meanings? Should three-fourths of the States, upon the recommendation of such a convention, declare the power complained of to be constitutional, protest must end, or revolution begin: but no other power could righteously force States protesting thus of their fundamental rights to be still and submit.

Feeling had at length come to such a pitch in South Carolina that her leaders were constrained to speak very boldly in this matter; and this was Mr. Calhoun's exposition of her rights, undertaken at their urgent request. He had not acted upon his own initiative. His own thought was still of the nation as a whole and of local interests reconciled, not set against each other in rivalry and antagonism. He had yielded to the views of his friends at home, where passion was astir. Men whom he trusted came to him to be their spokesman in a matter which seemed to them to touch the very life of the State,—to be their spokesman, not in passion, but in the grave argument of rights. Unquestionably the most fundamental material interests of the State seemed to be at stake; unquestionably his own settled view of the nature of the federal arrangement and the reserved rights of the States furnished a

formidable weapon against the tariff of abominations. He turned from his dreams of national development to vindicate the interests of his neighbors and constituents, and, turning, put his strength into the new task as heartily as he had put it into the old. The manifesto, the "South Carolina Exposition," which he put

ANDREW JACKSON'S FOREST RESIDENCE

forth rang as clear as any call to party battle could have rung; and his friends had the spokesman they had coveted.

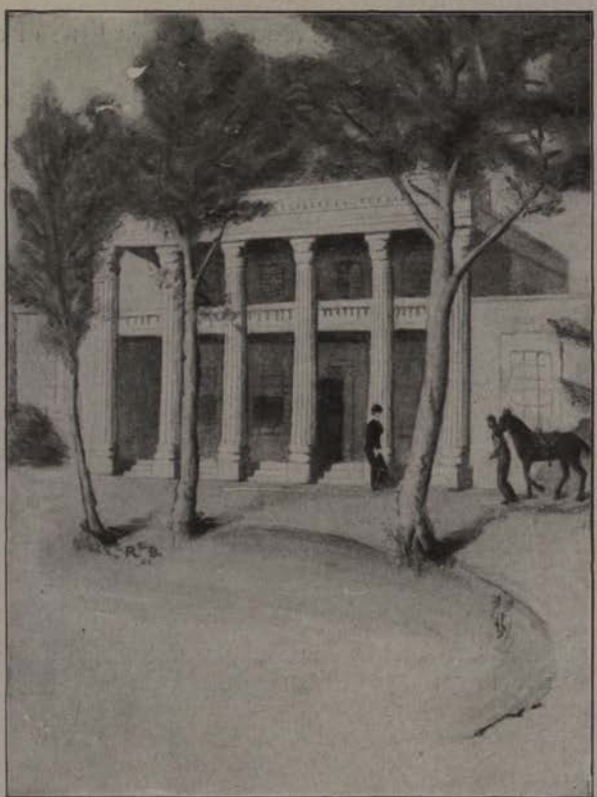
It was a document written with the full passion of his mind. Lover of the Union though he was, he conceived this to be its just and pristine model: a body of States sovereign in all that they had not deliberately relinquished for the sake of union; protected in the sovereignty which they retained, against the federal government no less than against one another, by in-

THE UNITED STATES, MARCH 4TH 1825.

herent, inalienable rights never surrendered, never impaired. These rights, inherent and unrelinquished, he conceived to be as much a part of the constitution as the powers transferred to the federal government. It was to these he would have recourse in time of crisis, not to the crude right of revolution. He would save the Union by an appeal to its ultimate principle: the deliberate concert of sovereign States. In this case of the tariff he hoped that a mere assertion of the constitutional right to a radical remedy would suffice. He had set himself, he believed, to keep the Union pure, not to destroy it. The government was about to change hands. It was evident to all observant men, in the summer of 1828, while he wrote, that General Jackson was to be the next President, and that the government was to pass out of the hands of the party that stood for high tariffs and an aggressive use of federal power into the hands of the new Democrats, who professed doctrines of strict construction and purposes of moderate action in the use of constitutional authority. South Carolina could afford to wait for the change. In December the legislature of the State adopted Mr. Calhoun's exposition as its own declaration of rights and put it forth as South Carolina's official creed and earnest of policy; but it, too, waited for General Jackson and a propitious change of temper in Congress, and took no step towards action.

Already presidential electors had been chosen (November, 1828), and it was known that General Jackson commanded a large majority of their votes. In due course their votes were formally cast, and were found to be, when counted (February, 1829), one hundred and seventy-eight for General Jackson, eighty-three

for Mr. Adams. Mr. Calhoun, who had transferred his allegiance from Mr. Adams to General Jackson, was re-elected Vice President. In every State except



THE HERMITAGE. RESIDENCE OF GENERAL JACKSON

South Carolina and Delaware the electors had been chosen by popular vote: 647,276 of the people's votes had been cast for General Jackson, 508,064 for Mr. Adams. For four years the astute and active men who had constituted themselves General Jackson's

managers had been preparing this triumph. Even men whom Mr. Adams kept in high office had openly assisted them, Mr. Adams, so punctiliously did he judge of his duty in the matter, leaving them unmolested so long as they performed their official tasks with faithfulness and propriety. Their plans had covered the whole Union. Ever since October, 1825, before Mr. Adams had met his first Congress as President, legislatures and assemblies of every sort had been nominating General Jackson for the presidency, one after the other, in a succession that did not flag. Now they were satisfied. They had had their revenge for the defeat of 1824, and had put their idolized man of the people in.

Authorities: For the period covered by this chapter our general authorities are the last volume (IX.) of Mr. Henry Adams's *History of the United States,* the sixth volume of Hildreth, the fourth volume of Bryant and Gay, the fourth and fifth volumes of McMaster's *History of the People of the United States,* the first volume of Hermann von Holst's *Constitutional and Political History of the United States,* the second and third volumes of James Schouler's *History of the United States under the Constitution,* and the third volume of George Tucker's *History of the United States.* For accounts of the period more personal, more particular, or more limited in view we have Thomas H. Benton's *Thirty Years' View,* vol. I., Martin Van Buren's *Inquiry into the Origin and Growth of Political Parties in the United States,* both of which are also contemporary sources of information, Judson S. Landon's *Constitutional History and Government of the United States, The Constitutional History of the United States as Seen in the Development of American Law,* a series of lectures by Thomas M. Cooley, Henry Hitchcock, and others, Edward Stanwood's *History of the Presidency,* Alden Bradford's *History of the Federal Government,* R. McK. Ormsby's *History of the Whig Party,* A. W. Young's *The American Statesman,* James Parton's *Life of Andrew Jackson,* George Ticknor Curtis's *Life of Daniel Webster,* Daniel C. Gilman's *James Monroe* (in the *American Statesmen Series*), Carl Schurz's *Henry Clay* (in the same series), J. T. Morse, Jr.'s *John Quincy Adams* (in the same series), Henry Cabot Lodge's *Daniel Webster* (in the

same series), William G. Sumner's *Andrew Jackson* (in the same series), the second volume of Calvin Colton's *Life, Correspondence, and Speeches of Henry Clay*, Henry Adams's *John Randolph* (in the *American Statesmen Series*), Theodore Roosevelt's *Thomas H. Benton* (in the same series), George Ticknor Curtis's *Life of James Buchanan*, Edward M. Shepard's *Martin Van Buren* (in the *American Statesmen Series*), Andrew C. McLaughlin's *Lewis Cass* (in the same series), N. M. Butler's *Influence of the War of 1812* (in the fifth volume of the *Johns Hopkins University Studies in Historical and Political Science*), H. V. Poor's *Sketch of the Rise and Progress of Internal Improvements*, Albert S. Bolles's *Financial History of the United States*, F. W. Taussig's *Tariff History of the United States*, and William G. Sumner's *History of American Currency*.

The *sources* are to be found for the most part in *The Annals of Congress*, Thomas H. Benton's *Abridgment of the Debates of Congress*, *The American State Papers*, the *Messages and Papers of the Presidents*, Hezekiah Niles's *Weekly Register*, Williams's *Statesman's Manual*, the collected *Works* or *Writings* of Clay, Calhoun, Webster, Gallatin (edited by Henry Adams), Madison, Jay, Marshall, and Jefferson, W. W. Story's *Life and Letters of Joseph Story*, G. J. McRee's *Life and Correspondence of James Iredell*, G. M. Dallas's *Life of A. J. Dallas*, the *Memoirs* of John Quincy Adams, Josiah Quincy's *Life of John Quincy Adams* and *Figures of the Past*, Nathan Sargent's *Public Men and Events*, Richard Rush's *Narrative of a Residence at the Court of London*, John Taylor's controversial *Construction Construed and the Constitution Vindicated* and *Inquiry into the Principles and Policy of the Government of the United States*, William Cobbett's *A Year's Residence in the United States* (1817–1818), Basil Hall's *Travels in North America* (1827–1828), Amos Kendall's *Autobiography*, Henry A. Wise's *Seven Decades of the Union*, Clark and Hall's *Legislative and Documentary History of the Bank of the United States*, C. F. Dunbar's *Laws Relating to Finance*, F. W. Taussig's *State Papers and Speeches on the Tariff*, and James B. Thayer's *Cases in Constitutional Law*.

APPENDIX

TREATY OF PEACE—1783.

DEFINITIVE TREATY OF PEACE BETWEEN THE UNITED STATES OF AMERICA AND HIS BRITANNIC MAJESTY. CONCLUDED SEPTEMBER 3, 1783.[1]

In the name of the Most Holy and Undivided Trinity.

It having pleased the Divine Providence to dispose the heart of the most serene and most potent Prince George the Third, by the Grace of God King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Luneburg, Arch-Treasurer and Prince Elector of the Holy Roman Empire, &ca., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony: And having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris on the 30th of Nov'r, 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the treaty of peace proposed to be concluded between the Crown of Great Britain and

[1] See pages 16–18, Vol. V.

the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France, and His Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, His Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, His Britannic Majesty on his part, David Hartley, esqr., member of the Parliament of Great Britain; and the said United States on their part, John Adams, esqr., late a commissioner of the United States of America at the Court of Versailles, late Delegate in Congress from the State of Massachusetts, and chief justice of the said State, and Minister Plenipotentiary of the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, esq're, late Delegate in Congress, from the State of Pennsylvania, president of the convention of the said State, and Minister Plenipotentiary from the United States of America at the Court of Versailles; John Jay, esq're, late president of Congress, and chief justice of the State of New York, and Minister Plenipotentiary from the said United States at the Court of Madrid, to be the Plenipotentiaries for the concluding and signing the present definitive treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles:

ARTICLE I.

HIS Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland,

Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the Government, proprietary and territorial rights of the same, and every part thereof.

ARTICLE II.

AND that all disputes which might arise in future, on the subject of the boundaries of the United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz: From the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint Croix River to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on the said latitude, until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Philipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence

through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River; thence strait to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulph of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty

to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

ARTICLE IV.

IT is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

ARTICLE V.

IT is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States, to provide for the restitution of all estates, rights, and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights, and properties of persons resident in districts in the possession of His Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties as may have been confiscated; and that Congress shall also earnestly

recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties of such last mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE VI.

THAT there shall be no future confiscations made, nor any prosecutions commenc'd, against any person or persons for, or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

ARTICLE VII.

THERE shall be a firm and perpetual peace between His Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from hence-

forth cease: All prisoners on both sides shall be set at liberty, and His Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every port, place, and harbour within the same; leaving in all fortifications the American artillery that may be therein: And shall also order and cause all archives, records, deeds, and papers, belonging to any of the said States, or their citizens, which in the course of the war, may have fallen into the hands of his officers, to be forthwith restored and deliver'd to the proper States and persons to whom they belong.

ARTICLE VIII.

THE navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States.

ARTICLE IX.

IN case it should so happen that any place or territory belonging to Great Britain or to the United States, should have been conquer'd by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty, and without requiring any compensation.

ARTICLE X.

THE solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of six months, or sooner if possible, to be computed from the day of the signature

of the present treaty. In witness whereof, we the undersigned, their Ministers Plenipotentiary, have in their name and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

D. HARTLEY. [L. S.]
JOHN ADAMS. [L. S.]
B. FRANKLIN. [L. S.]
JOHN JAY. [L. S.]

GOVERNMENT OF THE NORTHWEST TERRITORY
1787.

An Ordinance for the government of the territory of the United States northwest of the river Ohio.[1]

SECTION 1. *Be it ordained by the United States in Congress assembled,* That the said Territory, for the purpose of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

SEC. 2. *Be it ordained by the authority aforesaid,* That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt

[1] See pages 48, 49, Vol. V.

laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

SEC. 3. *Be it ordained by the authority aforesaid*, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

SEC. 4. There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress.

There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

SEC. 5. The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

SEC. 6. The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

SEC. 7. Previous to the organization of the general assembly the governor shall appoint such magistrates, and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

SEC. 8. For the prevention of crimes, and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed. from time to time, as circumstances

may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

SEC. 9. So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: *Provided,* That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature; *Provided,* That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years: and, in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same: *Provided also,* That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

SEC. 10. The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

SEC. 11. The general assembly, or legislature, shall consist of the governor, legislative council, and a house

of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly when, in his opinion, it shall be expedient.

SEC. 12. The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint

in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

SEC. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

SEC. 14. It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE I.

No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territory.

ARTICLE II.

The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus*, and

of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts, or engagements, *bona fide*, and without fraud previously formed.

ARTICLE III.

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV.

The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy

of the United States of America, subject to the articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted, or to be contracted, and a proportional part of the expenses of government to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district, or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona-fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V.

There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established

as follows, to wit: The western State, in the said territory, shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however,* And it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided,* The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ARTICLE VI.

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punish-

ment of crimes, whereof the party shall have been duly convicted: *Provided always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed, and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

CONSTITUTION OF THE UNITED STATES—1787.[1]

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of

[1] See pages 71, 72, 76, Vol. V.

Free persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments

until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION 4. The Times, Places and manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a

Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a Compensation for their services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION 7. All bills for raising Revenue shall origi-

nate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular

Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner chuse the President. But in chusing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the

executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION 3. He shall from time to time give to the Congress Information of the state of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and, in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION 2. The Citizens of each State shall be entitled to all Privileges and immunities of Citizens in the several States.

A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor

any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid

against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

The ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven, and of the Independance of the United States of America the Twelfth. IN WITNESS whereof We have hereunto subscribed our Names,

G°: WASHINGTON—
Presidt., and Deputy from Virginia.

New Hampshire.

JOHN LANGDON, NICHOLAS GILMAN.

Massachusetts.

NATHANIEL GORHAM, RUFUS KING.

APPENDIX

Connecticut

WM. SAML. JOHNSON, ROGER SHERMAN.

New York.

ALEXANDER HAMILTON.

New Jersey.

WIL: LIVINGSTON, WM. PATERSON,
DAVID BREARLEY, JONA. DAYTON.

Pennsylvania.

B. FRANKLIN, THOS. FITZSIMONS,
THOMAS MIFFLIN, JARED INGERSOLL,
ROBT. MORRIS, JAMES WILSON,
GEO. CLYMER, GOUV. MORRIS.

Delaware.

GEO. READ, RICHARD BASSETT,
GUNNING BEDFORD, Jun., JACO: BROOM.
JOHN DICKINSON,

Maryland.

JAMES MCHENRY, DAN. CARROLL.
DAN. JENIFER, of St. Thomas,

Virginia.

JOHN BLAIR, JAMES MADISON, Jr.

North Carolina.

WM. BLOUNT, HUGH WILLIAMSON.
RICH'D DOBBS SPEIGHT,

South Carolina.

J. RUTLEDGE, CHARLES PINCKNEY,
CHARLES COTESWORTH PINCKNEY, PIERCE BUTLER.

Georgia.

WILLIAM FEW, ABR. BALDWIN.

Attest: WILLIAM JACKSON, *Secretary.*

APPENDIX

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

[ARTICLE I.]*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[ARTICLE II.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[ARTICLE III.]

No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[ARTICLE IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

* The first ten amendments to the Constitution of the United States were proposed to the legislatures of the several States by the First Congress, on the 25th September, 1789.

[ARTICLE V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[ARTICLE VI.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

[ARTICLE VII.]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[ARTICLE VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[ARTICLE IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[ARTICLE X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[ARTICLE XI.]*

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

[ARTICLE XII.]†

The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct

* The eleventh amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Third Congress, on the 5th of September, 1794; and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States. [POORE.]

† The twelfth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Eighth Congress, on the 12th of December, 1803, in lieu of the third paragraph of the first section of the third article; and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804, to have been ratified by the legislatures of three-fourths of the States. [POORE.]

lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-president, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

[ARTICLE XIII.]*

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

[ARTICLE XIV.]†

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall

* The thirteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-eighth Congress, on the first of February, 1865; and was declared, in a proclamation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six States viz.: Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia. [POORE.]

† The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-ninth Congress, on the 16th of June, 1866. On the 21st of July, 1868, Congress adopted and transmitted to the Department of State a concurrent resolution, declaring that "the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont. New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, New Hampshire, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress: Therefore, *Resolved*, That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State." [POORE.]

abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil, or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppress-

ing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

[ARTICLE XV.]*

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

[ARTICLE XVI.]†

The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

[ARTICLE XVII.]‡

1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the Legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the Legislature may direct.

3. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

*The fifteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Fortieth Congress, on the 27th of February, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of twenty-nine of the thirty-seven States. [POORE.]

†This amendment was declared in force February 25, 1913.

‡This amendment was declared in force May 31, 1913.

KENTUCKY RESOLUTIONS OF 1798.[1]

I. *Resolved,* that the several states composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that by compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each state to itself, the residuary mass of right to their own self-Government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each state acceded as a state, and is an integral party, its co-states forming as to itself, the other party: That the Government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itself; since that would have made its discretion, and not the constitution, the measure of its powers; but that as in all other cases of compact among parties having no common Judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

II. Resolved, that the Constitution of the United States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies and felonies committed on the High Seas, and offences against the laws of nations, and no other crimes whatever, and it being true as a general principle,

[1] See page 40, Vol. VI.

and one of the amendments to the Constitution having also declared, "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people," therefore also the same act of Congress passed on the 14th day of July, 1798, and entitled "An act in addition to the act entitled an act for the punishment of certain crimes against the United States;" as also the act passed by them on the 27th day of June, 1798, entitled "An act to punish frauds committed on the Bank of the United States" (and all other their acts which assume to create, define, or punish crimes other than those enumerated in the constitution) are altogether void and of no force, and that the power to create, define, and punish such other crimes is reserved, and of right appertains solely and exclusively to the respective states, each within its own Territory.

III. Resolved, that it is true as a general principle, and is also expressly declared by one of the amendments to the Constitution that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people;" and that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the states, all lawful powers respecting the same did of right remain, and were reserved to the states, or to the people: That thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use, should be tolerated rather than the use be destroyed; and thus also they guarded against all abridgement by the United States of the freedom of religious opinions and exercises, and retained to themselves the right of protecting the same

as this state, by a Law passed on the general demand of its Citizens, had already protected them from all human restraint or interference: And that in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution which expressly declares, that "Congress shall make no laws respecting an Establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press," thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech, and of the press, insomuch, that whatever violates either, throws down the sanctuary which covers the others, and that libels, falsehoods, defamation, equally with heresy and false religion, are withheld from the cognizance of federal tribunals. That therefore the act of the Congress of the United States passed on the 14th day of July, 1798, entitled "An act in addition to the act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is not law, but is altogether void and of no effect.

IV. Resolved, that alien friends are under the jurisdiction and protection of the laws of the state wherein they are; that no power over them has been delegated to the United States, nor prohibited to the individual states distinct from their power over citizens; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor prohibited to the states are reserved to the states respectively or to the people," the act of the Congress of the United States passed on the 22d day of June, 1798, entitled "An act concerning aliens," which assumes power over alien friends not delegated by the Constitution, is not law, but is altogether void and of no force.

V. Resolved, that in addition to the general principle as well as the express declaration, that powers not delegated are reserved, another and more special provision inserted in the Constitution from abundant caution has declared, "that the *migration* or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." That this Commonwealth does admit the migration of alien friends described as the subject of the said act concerning aliens; that a provision against prohibiting their migration, is a provision against all acts equivalent thereto, or it would be nugatory; that to remove them when migrated is equivalent to a prohibition of their migration, and is, therefore contrary to the said provision of the Constitution, and void.

VI. Resolved, that the imprisonment of a person under the protection of the Laws of this Commonwealth on his failure to obey the simple *order* of the President to depart out of the United States, as is undertaken by the said act entitled "An act concerning Aliens," is contrary to the Constitution, one amendment to which has provided, that "no person shall be deprived of liberty without due process of law," and that another having provided "that in all criminal prosecutions, the accused shall enjoy the right to a public trial by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence," the same act undertaking to authorize the President to remove a person out of the United States who is under the protection of the Law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without having witnesses in his favour, without defence, without counsel, is contrary to these provisions

also of the Constitution, is therefore not law but utterly void and of no force.

That transferring the power of judging any person who is under the protection of the laws, from the Courts to the President of the United States, as is undertaken by the same act concerning Aliens, is against the article of the Constitution which provides, that "the judicial power of the United States shall be vested in the Courts, the Judges of which shall hold their offices during good behaviour," and that the said act is void for that reason also; and it is further to be noted, that this transfer of Judiciary power is to that magistrate of the General Government who already possesses all the Executive, and a qualified negative in all the Legislative powers.

VII. Resolved, that the construction applied by the General Government (as is evidenced by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress a power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence, and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their power by the Constitution —That words meant by that instrument to be subsidiary only to the execution of the limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken, as to destroy the whole residue of the instrument: That the proceedings of the General Government under colour of these articles, will be a fit and necessary subject for revisal and correction at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

VIII. Resolved, that the preceding Resolutions be trans-

mitted to the Senators and Representatives in Congress from this Commonwealth, who are hereby enjoined to present the same to their respective Houses, and to use their best endeavours to procure at the next session of Congress, a repeal of the aforesaid unconstitutional and obnoxious acts.

IX. Resolved lastly, that the Governor of this Commonwealth be, and is hereby authorized and requested to communicate the preceding Resolutions to the Legislatures of the several States, to assure them that this Commonwealth considers Union for specified National purposes, and particularly for those specified in their late Federal Compact, to be friendly to the peace, happiness, and prosperity of all the states: that faithful to that compact according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation: that it does also believe, that to take from the states all the powers of self government, and transfer them to a general and consolidated Government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these states: And that therefore, this Commonwealth is determined, as it doubts not its Co-states are, to submit to undelegated & consequently unlimited powers in no man or body of men on earth: that if the acts before specified should stand, these conclusions would flow from them; that the General Government may place any act they think proper on the list of crimes & punish it themselves, whether enumerated or not enumerated by the Constitution as cognizable by them: that they may transfer its cognizance to the President or any other person, who may himself be the accuser, counsel, judge, and jury, whose *suspicions* may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction: that a very nu-

merous and valuable description of the inhabitants of these states, being by this precedent reduced as outlaws, to the absolute dominion of one man and the barrier of the Constitution thus swept away from us all, no rampart now remains against the passions and the powers of a majority of Congress, to protect from a like exportation or other grievous punishment the minority of the same body, the Legislature, Judges, Governors, & Counsellors of the states, nor their other peaceable inhabitants who may venture to reclaim the constitutional rights & liberties of the state & people, or who for other causes, good or bad, may be obnoxious to the views or marked by the suspicions of the President, or be thought dangerous to his or their elections or other interests public or personal: that the friendless alien has indeed been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather has already followed; for already has a Sedition Act marked him as its prey: that these and successive acts of the same character, unless arrested on the threshold, may tend to drive these states into revolution and blood, and will furnish new calumnies against Republican Governments, and new pretexts for those who wish it to be believed, that man cannot be governed but by a rod of iron: that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is everywhere the parent of despotism: free government is founded in jealousy and not in confidence; it is jealousy and not confidence which prescribes limited Constitutions to bind down those whom we are obliged to trust with power: that our Constitution has accordingly fixed the limits to which and no further our confidence may go; and let the honest advocate of confidence read the Alien and Sedition Acts, and say if the Constitution has not been wise in fixing limits to the Government it created, and whether we should be wise in destroying those limits?

Let him say what the Government is if it be not a tyranny, which the men of our choice have conferred on the President, and the President of our choice has assented to and accepted over the friendly strangers, to whom the mild spirit of our country and its laws had pledged hospitality and protection: that the men of our choice have more respected the bare suspicions of the President than the solid rights of innocence, the claims of justification, the sacred force of truth, and the forms & substance of law and justice. In questions of power then let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. That this Commonwealth does therefore call on its co-States for an expression of their sentiments on the acts concerning Aliens, and for the punishment of certain crimes herein before specified, plainly declaring whether these acts are or are not authorized by the Federal Compact? And it doubts not that their sense will be so announced as to prove their attachment unaltered to limited Government, whether general or particular, and that the rights and liberties of their Co-states will be exposed to no dangers by remaining embarked on a common bottom with their own: That they will concur with this Commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration, that the Compact is not meant to be the measure of the powers of the General Government, but that it will proceed in the exercise over these states of all powers whatsoever: That they will view this as seizing the rights of the states and consolidating them in the hands of the general government with a power assumed to bind the states (not merely in cases made federal) but in all cases whatsoever, by laws made, not with their consent, but by others against their consent: That this would be to surrender the form of Government we have chosen, and live under one deriving its powers from its own will, and not

from our authority; and that the Co-states, recurring to their natural right in cases not made federal, will concur in declaring these acts void and of no force, and will each unite with this Commonwealth in requesting their repeal at the next session of Congress.

EDMUND BULLOCK, *S. H. R.*
JOHN CAMPBELL, *S. S. P. T.*

Passed the House of Representatives, Nov. 10th, 1798.
Attest, THOMAS TODD, *C. H. R.*

In Senate, November 13th, 1798, unanimously concurred in,

Attest, B. THURSTON, *Clk. Sen.*

Approved November 16th, 1798.
JAMES GARRARD, *G. K.*

By the Governor,
HARRY TOULMIN,
Secretary of State.

VIRGINIA RESOLUTIONS OF 1798.[1]

VIRGINIA *to wit,*

IN THE HOUSE OF DELEGATES,

Friday, December 21st, 1798.

Resolved, that the General Assembly of Virginia doth unequivocally express a firm resolution to maintain and defend the constitution of the United States, and the constitution of this state, against every aggression, either foreign or domestic, and that they will support the government of the United States in all measures, warranted by the former.

That this Assembly most solemnly declares a warm attachment to the union of the states, to maintain which, it pledges its powers; and that for this end, it is their duty, to watch over and oppose every infraction of those principles, which constitute the only basis of that union, because a faithful observance of them, can alone secure its existence, and the public happiness.

That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact, to which the states are parties; as limited by the plain sense and intention of the instrument constituting that compact; as no farther valid than they are authorized by the grants enumerated in that compact, and that in case of a deliberate, palpable and dangerous exercise of other powers not granted by the said compact, the states who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.

[1] See page 41, Vol. VI.

That the General Assembly doth also express its deep regret, that a spirit has, in sundry instances, been manifested by the Federal Government, to enlarge its powers by forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases (which having been copied from the very limited grant of powers in the former articles of confederation were the less liable to be misconstrued) so as to destroy the meaning and effect of the particular enumeration, which necessarily explains and limits the general phrases; and so as to consolidate the states by degrees into one sovereignty, the obvious tendency and inevitable consequence of which would be, to transform the present republican system of the United States, into an absolute, or at best a mixed monarchy.

That the General Assembly doth particularly protest against the palpable and alarming infractions of the constitution, in the two late cases of the "Alien and Sedition acts," passed at the last session of Congress; the first of which exercises a power nowhere delegated to the Federal Government; and which by uniting legislative and judicial powers, to those of executive, subverts the general principles of free government, as well as the particular organization and positive provisions of the federal constitution: and the other of which acts, exercises in like manner a power not delegated by the constitution, but on the contrary expressly and positively forbidden by one of the amendments thereto; a power which more than any other ought to produce universal alarm, because it is levelled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed, the only effectual guardian of every other right.

That this state having, by its convention which ratified the federal constitution, expressly declared, "that among other essential rights, the liberty of conscience and the

press cannot be cancelled, abridged, restrained or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry and ambition, having with other states recommended an amendment for that purpose, which amendment was in due time annexed to the constitution, it would mark a reproachful inconsistency and criminal degeneracy, if an indifference were now shewn to the most palpable violation of one of the rights thus declared and secured, and to the establishment of a precedent which may be fatal to the other.

That the good people of this Commonwealth having ever felt and continuing to feel the most sincere affection for their brethren of the other states, the truest anxiety for establishing and perpetuating the union of all, and the most scrupulous fidelity to that constitution which is the pledge of mutual friendship, and the instrument of mutual happiness: the General Assembly doth solemnly appeal to the like dispositions of the other states, in confidence that they will concur with this commonwealth in declaring, as it does hereby declare, that the acts aforesaid are unconstitutional, and that the necessary and proper measures will be taken by each for coöperating with this state, in maintaining unimpaired the authorities, rights, and liberties, reserved to the states respectively, or to the people.

That the Governor be desired to transmit a copy of the foregoing resolutions to the executive authority of each of the other states, with a request, that the same may be communicated to the legislature thereof.

And that a copy be furnished to each of the Senators and Representatives representing this state in the Congress of the United States.

Attest, JOHN STEWART, *C. H. D.*

1798, December the 24th.

Agreed to by the Senate. H. BROOKE, *C. S.*

THE KENTUCKY RESOLUTIONS OF 1799.[1]

HOUSE OF REPRESENTATIVES, Thursday, Nov. 14, 1799.

The house, according to the standing order of the day, resolved itself into a committee, of the whole house, on the state of the commonwealth, (Mr. Desha in the chair,) and, after some time spent therein, the speaker resumed the chair, and Mr. Desha reported that the committee had taken under consideration sundry resolutions passed by several state legislatures, on the subject of the Alien and Sedition Laws, and had come to a resolution thereupon, which he delivered in at the clerk's table, where it was read and *unanimously* agreed to by the House as follows:

The representatives of the good people of this commonwealth, in General Assembly convened, having maturely considered the answers of sundry states in the Union to their resolutions, passed the last session, respecting certain unconstitutional laws of Congress, commonly called the Alien and Sedition Laws, would be faithless indeed to themselves, and to those they represent, were they silently to acquiesce in the principles and doctrines attempted to be maintained in all those answers, that of Virginia only accepted. To again enter the field of argument, and attempt more fully or forcibly to expose the unconstitutionality of those obnoxious laws, would, it is apprehended, be as unnecessary as unavailing. We cannot, however, but lament that, in the discussion of those interesting subjects by sundry of the legislatures of our sister states, unfounded suggestions and uncandid insinuations, derogatory to the true character and principles of this commonwealth, have

[1] See page 40, Vol. VI.

been substituted in place of fair reasoning and sound argument. Our opinions of these alarming measures of the general government, together with our reasons for those opinions, were detailed with decency and with temper, and submitted to the discussion and judgment of our fellow-citizens throughout the Union. Whether the like decency and temper have been observed in the answers of most of those States who have denied or attempted to obviate the great truths contained in those resolutions, we have now only to submit to a candid world. *Faithful to the true principles of the federal Union, unconscious of any designs to disturb the harmony of that Union* and anxious only to escape the fangs of despotism, the good people of this commonwealth are regardless of censure or calumniation. Lest, however, the silence of this commonwealth should be construed into an acquiescence in the doctrines and principles advanced, and attempted to be maintained by the said answers or, at least those of our fellow-citizens, throughout the Union, who so widely differ from us on those important subjects, should be deluded by the expectation that we shall be deterred from what we conceive our duty, or shrink from the principles contained in those resolutions,—therefore,

Resolved, That this Commonwealth considers the Federal Union upon the terms and for the purposes specified in the late compact, conducive to the liberty and happiness of the several States: That it does now unequivocally declare its attachment to the Union, and to that compact, agreeably to its obvious and real intention, and will be among the last to seek its dissolution: That, if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the State governments, and the creation, upon their ruins of a general consolidated government, will be the inevitable consequence: That the principle

and construction, contended for by sundry of the state legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop not short of *despotism*—since the discretion of those who administer the government, and not the *Constitution*, would be the measure of their powers: That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infraction; and, *That a nullification, by those sovereignties of all unauthorized acts done under color of that instrument, is the rightful remedy:* That this Commonwealth does, under the most deliberate reconsideration, declare, that the said Alien and Sedition Laws are, in their opinion, palpable violations of the said Constitution; and, however cheerfully it may be disposed to surrender its opinion to a majority of its sister States, in matters of ordinary or doubtful policy, yet, in momentous regulations like the present, which so vitally wound the best rights of the citizen, it would consider a silent acquiescence as highly criminal: That, although this Commonwealth, as a party to the Federal compact, *will bow to the laws of the Union*, yet it does, at the same time, declare, that it will not now, or ever hereafter, cease to oppose, in a constitutional manner, every attempt, at what quarter so ever offered, to violate that compact: And finally, in order that no pretext or arguments may be drawn from a supposed acquiescence, on the part of this Commonwealth, in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the federal compact, this Commonwealth does now enter against them its solemn PROTEST.

Extract, etc. *Attest*, THOMAS TODD, *C. H. R.*

In Senate, Nov. 22, 1799.—Read and concurred in.

Attest, B. THURSTON, *C. S.*

PART II

ORIGINAL DOCUMENTS

1794–1823

ORIGINAL DOCUMENTS

The Treaty of 1794 with Great Britain

This document, more familiarly known as "Jay's Treaty," was signed in London on November 19, 1794. It excited much opposition throughout the United States. The Senate, in secret session, by a strict constitutional majority, advised its ratification on June 24, 1795, and the President duly proclaimed it. The following are the main parts of the treaty. It is given in full in the "Revised Statutes of the United States, relating to the District of Columbia . . . 1873–'74, together with the public treaties . . ." Washington: Government Printing Office, 1875, pp. 269–282. (See page 24.[1])

His Britannic Majesty and the United States of America, being desirous, by a treaty of amity, commerce, and navigation, to terminate their differences in such a manner, as, without reference to the merits of their respective complaints and pretentions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their Plenipotentiaries, and given

[1] The final page references in the introductions are to allusions in the History which are explained and illustrated in these documents.

them full powers to treat of, and conclude the said treaty, that is to say:

His Britannic Majesty has named for his Plenipotentiary, the Right Honorable William Wyndham Baron Grenville of Wotton, one of His Majesty's Privy Council, and His Majesty's Principal Secretary of State for Foreign Affairs; and the President of the United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiary, the Honorable John Jay, Chief Justice of the said United States, and their Envoy Extraordinary to His Majesty;

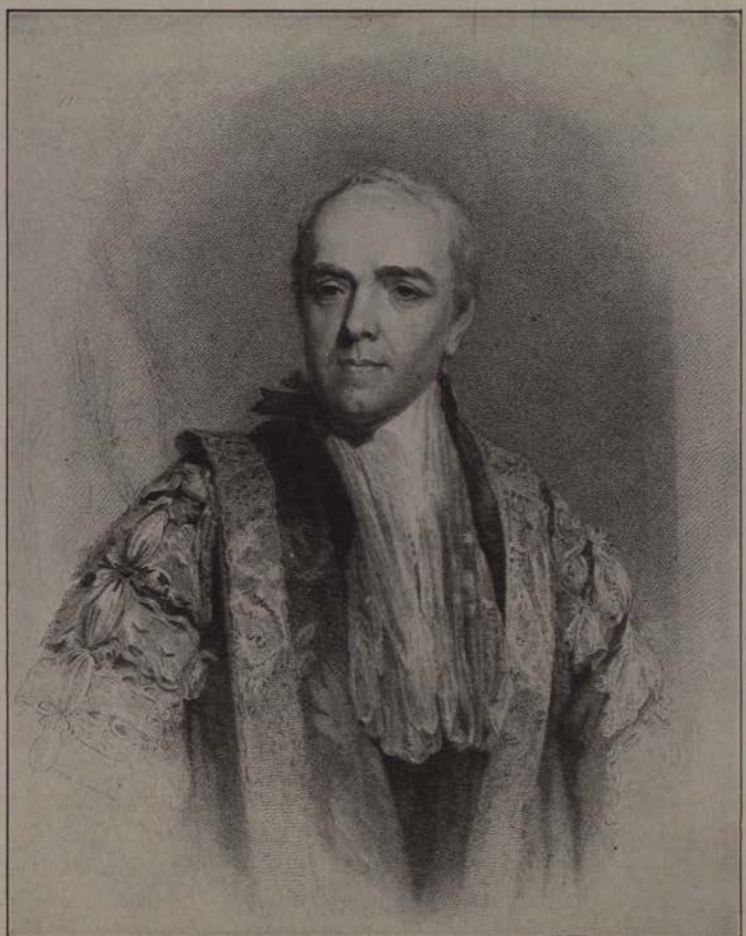
Who have agreed on and concluded the following articles:

Article I.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between His Britannic Majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns and people of every degree, without exception of persons or places.

Article II.

His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall in the interval be taken by concert between the Government of the United States and His Majesty's Governor-General in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts: The United States in the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the pre-



LORD GRENVILLE

(From an engraving by J. S. Agar after a painting by W. Owen. Secretary of State for Foreign Affairs who conducted for England the negotiations for Jay's Treaty of 1794)

cincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the Government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of His Britannic Majesty, shall be considered as having elected to become citizens of the United States.

ARTICLE III.

It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this article does not extend to the admission of vessels of the United States into the sea-ports, harbours, bays, or creeks of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof, and the

highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of His Majesty in Great Britain.

All goods and merchandize whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandize shall be subject to no higher or other duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandize whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by His Majesty's subjects, and such goods and merchandize shall be subject to no higher or other duties than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said States. And all goods not prohibited to be exported from the said territories respectively, may in like manner be carried out of the same by the two parties respectively, paying duty as aforesaid.

. . . No duty of entry shall ever be levied by either

party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately re-imbarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

Article IV.

Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between

OFFICE OF THE SECRETARY OF FOREIGN AFFAIRS, SOUTH SIXTH STREET, PHILADELPHIA, 1782

(From an old print)

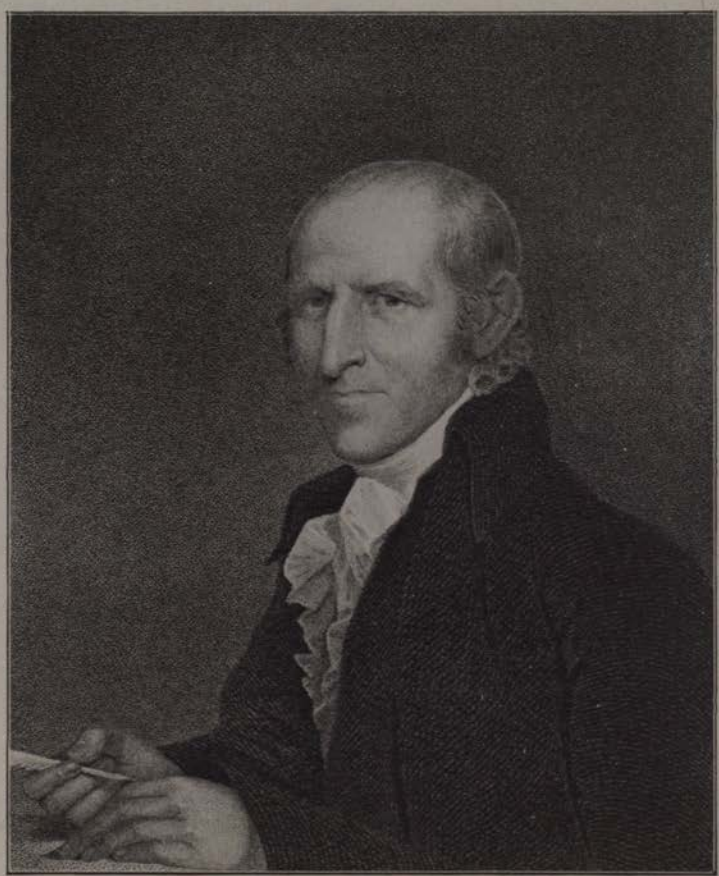
His Majesty and the United States: it is agreed that measures shall be taken in concert between His Majesty's Government in America and the Government of the United States, for making a joint survey of the said river . . . to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience and in conformity to the intent of the said treaty.

Article V.

Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners to be appointed. . . .

Article VI.

Whereas it is alledged by divers British merchants and others His Majesty's subjects, that debts, to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that, by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained: It is agreed, that in all such cases, when full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received by the said creditors in the ordinary course of justice, the United States will



T Pickering.

TIMOTHY PICKERING

(Appointed Washington's Secretary of State in 1795. After an engraving by T. Welch from a drawing by J. B. Longacre after the picture by Gilbert Stuart)

make full and complete compensation for the same to the said creditors. . . .

Article VII.

Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from His Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British Government to the said complainants. But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant. . . .

And whereas certain merchants and others, His Majesty's subjects, complain that, in the course of the war, they have sustained loss and damage by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the States and brought into the ports of the same, or taken by vessels originally armed in ports of the said States:

It is agreed that in all such cases where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, Sept. 5, 1793, a copy of which is annexed

to this treaty; the complaints of the parties shall be and hereby are referred to the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them. . . .

ARTICLE IX.

It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

ARTICLE X.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective Governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

ARTICLE XI.

It is agreed between His Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce

between their respective people, in the manner, under the limitations, and on the conditions specified in the following articles. . . .

Article XIII.

His Majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted and hospitably received in all the sea-ports and harbors of the British territories in the East Indies. And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British Government and any other Power or State whatever, to export from the said territories, without the special permission of the British Government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend

to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgression should be attempted against the regulations of the British Government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbour in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction of what nature established in such harbor, port, or place, according as the same may be. . . .

Article XIV.

There shall be between all the dominions of His Majesty in Europe and the territories of the United States a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty, freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purposes of their commerce, and generally the merchants and traders on each side shall enjoy the most

complete protection and security for their commerce; but subject always as to what respects this article to the laws and statutes of the two countries respectively.

Article XV.

It is agreed that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles the growth, produce, or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the British Government reserves to itself the right of imposing on American vessels entering into the British ports in Europe a tonnage duty equal to that which shall be payable by British vessels in the ports of America; and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval it is agreed that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now-subsisting

difference between the duties payable on the importation of any articles in British or in American vessels.

Article XVI.

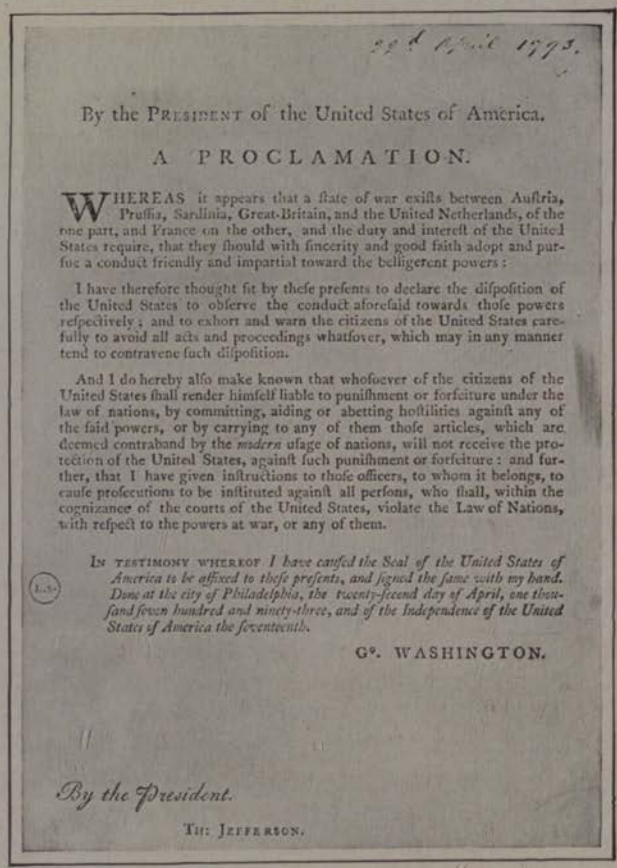
It shall be free for the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said Consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any Consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper that, in case of illegal or improper conduct towards the laws or Government, a Consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended Government assigning to the other their reasons for the same. . . .

Article XVII.

It is agreed that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed that all proper measures shall be taken to prevent delay in deciding the cases of ships or cargoes so brought in for adjudication, and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

ARTICLE XVIII.

In order to regulate what is in future to be esteemed contraband of war, it is agreed that under the said de-



22d April 1793.

By the PRESIDENT of the United States of America.

A PROCLAMATION.

WHEREAS it appears that a ſtate of war exiſts between Auſtria, Pruſſia, Sardinia, Great-Britain, and the United Netherlands, of the one part, and France on the other, and the duty and intereſt of the United States require, that they ſhould with ſincerity and good faith adopt and purſue a conduct friendly and impartial toward the belligerent powers:

I have therefore thought fit by theſe preſents to declare the diſpoſition of the United States to obſerve the conduct aforeſaid towards thoſe powers reſpectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatſoever, which may in any manner tend to contravene ſuch diſpoſition.

And I do hereby alſo make known that whoſoever of the citizens of the United States ſhall render himſelf liable to puniſhment or forfeiture under the law of nations, by committing, aiding or abetting hoſtilities againſt any of the ſaid powers, or by carrying to any of them thoſe articles, which are deemed contraband by the *modern* uſage of nations, will not receive the protection of the United States, againſt ſuch puniſhment or forfeiture: and further, that I have given inſtructions to thoſe officers, to whom it belongs, to cauſe proſecutions to be inſtituted againſt all perſons, who ſhall, within the cognizance of the courts of the United States, violate the Law of Nations, with reſpect to the powers at war, or any of them.

IN TESTIMONY WHEREOF *I have cauſed the Seal of the United States of America to be affixed to theſe preſents, and ſigned the ſame with my hand. Done at the city of Philadelphia, the twenty-ſecond day of April, one thouſand ſeven hundred and ninety-three, and of the Independence of the United States of America the ſeventeenth.*

L.S.

G°. WASHINGTON.

By the President.

TH: JEFFERSON.

FACSIMILE OF WASHINGTON'S PROCLAMATION OF NEUTRALITY, APRIL 22, 1793

nomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades,

carcasses, saucisses, carriages for cannon, musket-rests, bandoliers, gun-powder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war, as also timber for ship-building, tar or rozin, copper in sheets, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: It is further agreed that whenever any such articles so becoming contraband, according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the Government under whose authority they act, shall pay to the masters or owners of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place; but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice she shall again attempt to enter, but she shall be permitted to go to any other port or place she may think proper; nor shall any vessel or goods of either party that may have entered

into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

Article XIX.

And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men-of-war, or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be. . . .

Article XX.

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal, or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandizes taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them (proper evidence being first given in the court of admiralty for proving the property) even in case such

effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

Article XXI.

It is likewise agreed that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign Prince or State, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. . . .

Article XXII.

It is expressly stipulated that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

Article XXIII.

The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and Government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders

in this respect shall be punished as disturbers of the peace and amity between the two countries. And His Majesty consents that in case an American vessel should, by stress of weather, danger from enemies, or other mis-

JOHN JAY
(From an engraving by Reading after Du Simitière's Thirteen Portraits, London, 1783)

fortune, be reduced to the necessity of seeking shelter in any of His Majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the Government of the place, be hospitably received, and be permitted to refit and to purchase at the market

price such necessaries as she may stand in need of, conformably to such orders and regulations as the Government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same should be bona fide necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expences, and then not without the express permission of the Government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

Article XXIV.

It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions.

Article XXV.

It shall be lawful for the ships of war and privateers belonging to the said parties respectively to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes, (except for the purpose

of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States. But the two parties agree that while they continue in amity neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of their territories, by ships of war or others having commission from any Prince, Republic, or State whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated shall use his utmost endeavors to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

Article XXVI.

If at any time a rupture should take place (which God forbid) between His Majesty and the United States,

FISHER AMES, WHOSE GREAT SPEECH IN DEFENCE OF JAY'S TREATY, APRIL 28, 1796, WON THE SUPPORT OF THE HOUSE IN ITS FAVOR

(After J. Boyd's engraving of the painting by Stuart as given in Delaplaine's *Repository*, 1815)

the merchants and others of each of the two nations residing in the dominions of the other shall have the privilege of remaining and continuing their trade, so long as they behave peaceably and commit no offence against the laws; and in case their conduct should render them suspected, and the respective Governments should think proper to order them to remove, the term of twelve months from the publication of the order shall be allowed them for that purpose, to remove with their families, effects, and property, but this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared that such rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective Ambassadors or Ministers, if such there shall be, shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights, either to request the recall, or immediately to send home the Ambassador or Minister of the other, and that without prejudice to their mutual friendship and good understanding.

Article XXVII.

It is further agreed that His Majesty and the United States, on mutual requisitions, by them respectively, or by their respective Ministers or officers authorized to make the same, will deliver up to justice all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expence of such ap-

prehension and delivery shall be borne and defrayed by those who make the requisition and receive the fugitive.

ARTICLE XXVIII.

It is agreed that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged. . . .

Lastly. This treaty, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on His Majesty and on the said States, and shall be by them respectively executed and observed with punctuality and the most sincere regard to good faith; and whereas it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected, it is agreed that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them as that they may conduce to mutual convenience and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to and make a part of this treaty. In faith whereof we, the undersigned Ministers Plenipotentiary of His Majesty the King of Great Britain and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

Done at London this nineteenth day of November, one thousand seven hundred and ninety-four.

GRENVILLE. [L.S.]
JOHN JAY. [L.S.]

Washington's Farewell Address, 1796

On September 19, 1796, Washington issued a farewell address to the people which set at rest the movement of his many admirers to induce him to accept a third term. He made an earnest appeal to the people to preserve the Union of the States. Text from the edition of the Farewell Address privately printed for James Lenox, in 1850, from the original manuscript in his possession, which is now in the New York Public Library. (See page 29.)

Friends and Fellow-Citizens:

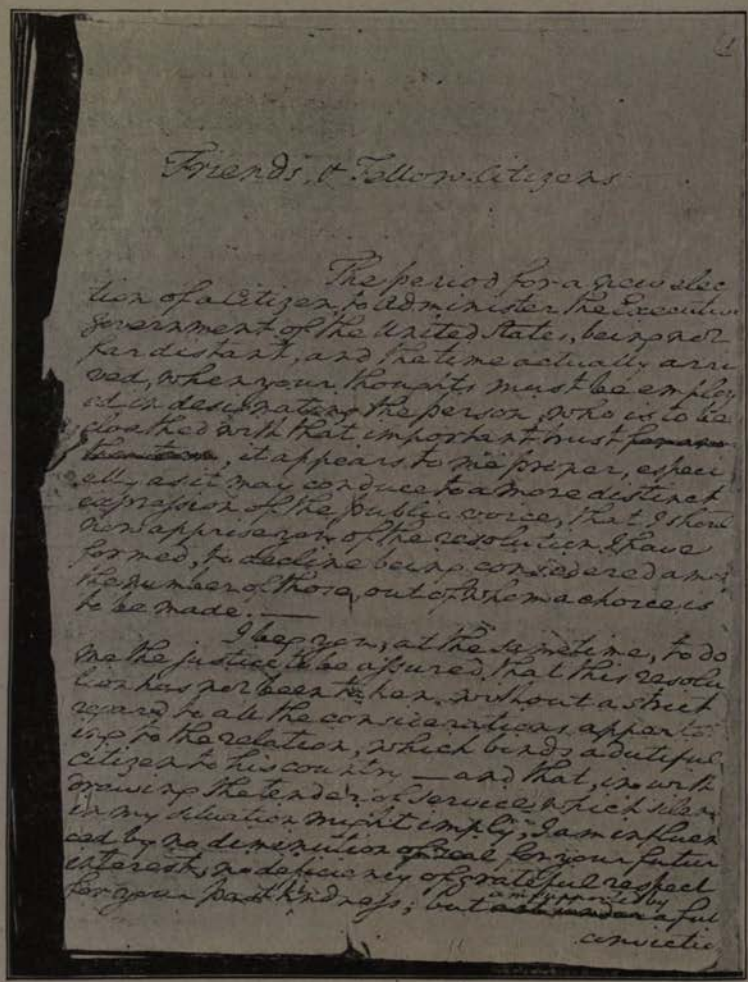
The period for a new election of a citizen, to administer the Executive Government of the United States, being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no de-

ficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have



Friends & Fellow Citizens

The period for a new election of a citizen to administer the Executive Government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person, who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made. —

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation, which binds a dutiful citizen to his country — and that, in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness; but am supported by a full conviction

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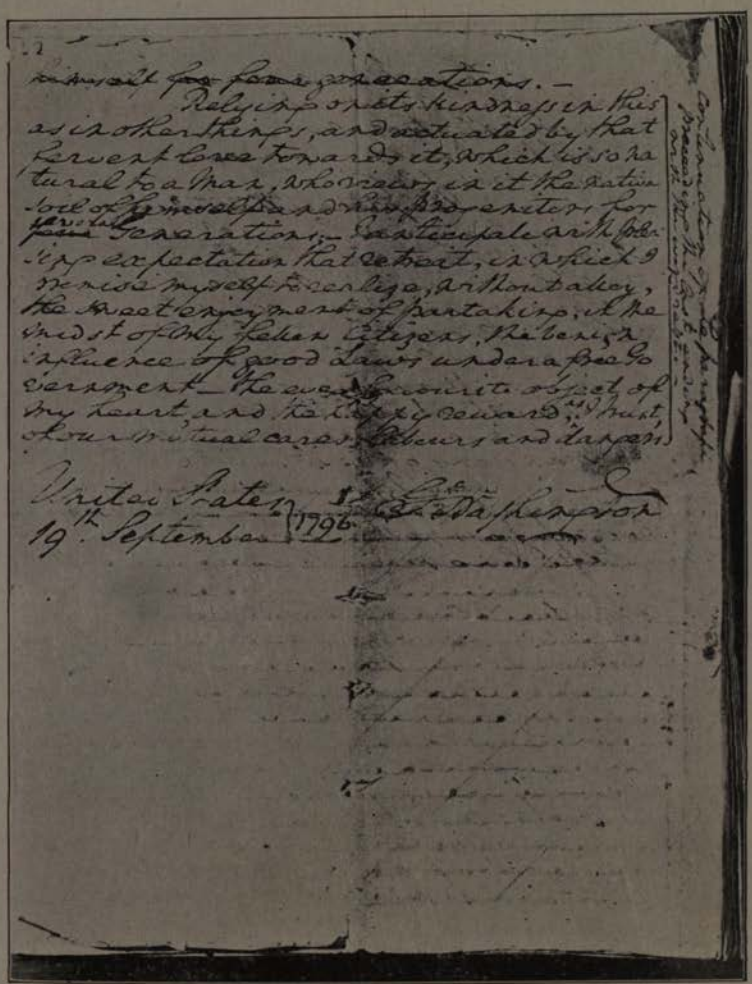

WASHINGTON'S FAREWELL ADDRESS

given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amid appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Patrick Henry Washington Pendleton

LEAVING MOUNT VERNON FOR THE CONGRESS OF THE COLONIES

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its

preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the pro-

tection of a maritime strength to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our Country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their Peace by Foreign nations, and, what is of inestimable value, they must derive from Union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

THE GERMANTOWN HOUSE

(Washington occupied this house in 1793 during the yellow fever epidemic in Philadelphia)

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations *Northern* and *Southern*, *Atlantic* and *Western*, whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated

among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of Government better calculated than your former for an intimate Union and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish

government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of fashion, rather than the organs of consistent and wholesome plans digested by common councils and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations, which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of govern-

ments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that, for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individ-

ual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise person to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within

their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of

justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertion in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties),

ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill-will and

resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such

MOURNERS AT MT. VERNON—THE FAREWELL TO WASHINGTON

(From a painting by Arthur I. Kellar)

an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be *constantly* awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the purpose, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality, we may at any time resolve upon,

to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

'Tis our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and

liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism —this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of April 22, 1793, is the index of my plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities

will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

Go. WASHINGTON.

United States, 19th September. } 1796.

Alien and Sedition Acts, 1798

In the second session of the Fifth Congress two acts were passed concerning aliens not entitled to the rights of citizenship, and another to define the crime of treason and to define and punish the crime of sedition. These acts are given below from the text in "United States Statutes at Large," Vol. I., pp. 570–572, 577–578, 596–597. (See page 39.)

An Act Concerning Aliens

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the President of the United States at any time during the continuance of this act to *order* all such *aliens* as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order, which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the Secretary of State, by the marshal or other person to whom the same shall be directed. And in case any alien, so ordered to depart, shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a *licence* from the President to reside therein, or having obtained such

licence shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States. *Provided always, and be it further enacted,* that if any alien so ordered to depart shall prove to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby authorized to administer oaths, that no injury or danger to the United States will arise from suffering such alien to reside therein, the President of the United States may grant a *licence* to such alien to remain within the United States for such time as he shall judge proper, and at such place as he may designate. And the President may also require of such alien to enter into a bond to the United States, in such penal sum as he may direct, with one or more sufficient sureties to the satisfaction of the person authorized by the President to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his licence, which licence the President may revoke whenever he shall think proper.

SEC. 2. *And be it further enacted,* That it shall be lawful for the President of the United States, whenever he may deem it necessary for the public safety, to order to be removed out of the territory thereof, any alien, who may or shall be in prison in pursuance of this act; and to cause to be arrested and sent out of the United States such of those aliens as shall have been ordered to depart therefrom and shall not have obtained a licence as aforesaid, in all cases where, in the opinion of the President, the public safety requires a speedy removal. And if any alien so removed or sent out of the United States by the President, shall voluntarily return thereto, unless by permission of the President of the United States, such alien on conviction thereof, shall be im-

prisoned so long as, in the opinion of the President, the public safety may require.

SEC. 3. *And be it further enacted*, That every master or commander of any ship or vessel which shall come into any port of the United States after the first day of July next, shall immediately on his arrival make report in writing to the collector or other chief officer of the customs of such port, of all aliens, if any, on board his vessel, specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong and owe allegiance, their occupation and a description of their persons, as far as he shall be informed thereof, and on failure, every such master and commander shall forfeit and pay three hundred dollars, for the payment whereof on default of such master or commander, such vessel shall also be holden, and may by such collector or other officer of the customs be detained. And it shall be the duty of such collector or other officer of the customs, forthwith to transmit to the office of the department of State true copies of all such returns.

SEC. 4. *And be it further enacted*, That the circuit and district courts of the United States, shall respectively have cognizance of all crimes and offences against this act. And all marshalls and other officers of the United States are required to execute all precepts and orders of the President of the United States issued in pursuance or by virtue of this act.

SEC. 5. *And be it further enacted*, That it shall be lawful for any alien who may be ordered to be removed from the United States, by virtue of this act, to take with him such part of his goods, chattels, or other property as he may find convenient; and all property left in the United States by any alien, who may be removed, as aforesaid, shall be, and remain subject to his order and disposal, in the same manner as if this act had not been passed.

SEC. 6. *And be it further enacted*, That this act shall continue and be in force for and during the term of two years from the passing thereof.

Approved June 25, 1798.

AN ACT RESPECTING ALIEN ENEMIES

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever there shall be a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President of the United States shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed, as alien enemies. And the President of the United States shall be, and he is hereby authorized, in any event, as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, towards the aliens who shall become liable, as aforesaid; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those, who, not being permitted to reside within the United States, shall refuse or neglect to depart therefrom; and to establish any other regulations which shall be found necessary in the premises and for the public safety: Provided, that aliens resident within the United States, who shall become liable as enemies, in the manner aforesaid, and who shall not be chargeable with actual

hostility, or other crime against the public safety, shall be allowed, for the recovery, disposal, and removal of their goods and effects, and for their departure, the full time which is, or shall be stipulated by any treaty, where any shall have been between the United States, and the hostile nation or government, of which they shall be natives, citizens, denizens or subjects: and when no such treaty shall have existed, the President of the United States may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

SEC. 2. *And be it further enacted*, That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each state, having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively, authorized upon complaint, against any alien or alien enemies, as aforesaid, who shall be resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge or justice; and after a full examination and hearing on such complaint, and sufficient cause therefor appearing, shall and may order such alien or aliens to be removed out of the territory of the United States, or to give sureties of their good behaviour, or to be otherwise restrained, conformably to the proclamation or regulations which shall or may be established as aforesaid, and may imprison, or otherwise secure such alien or aliens, until the order which shall and may be made, as aforesaid, shall be performed.

SEC. 3. *And be it further enacted*, That it shall be the

duty of the marshal of the district in which any alien enemy shall be apprehended, who by the President of the United States, or by order of any court, judge or justice, as aforesaid, shall be required to depart, and to be removed, as aforesaid, to provide therefor, and to execute such order, by himself or his deputy, or other discreet person or persons to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President of the United States, or of the court, judge or justice ordering the same, as the case may be.

Approved July 6, 1798.

An Act in Addition to the Act Entitled "An Act for the Punishment of Certain Crimes Against the United States"

Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That if any persons shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the government of the United States, from undertaking, performing or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars and by imprisonment during a term

not less than six months nor exceeding five years; and further at the discretion of the court may be holden to find sureties for his good behavior in such sum, and for such time, as the said court may direct.

SEC. 2. *And be it further enacted*, That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them or either of them, into contempt or disrepute; or to excite against them, or either, or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, and one in pursuance of any such law, or of the powers in him vested by the constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage or abet any hostile designs of any foreign nation against the United States, their people or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

SEC. 3. *And be it further enacted, and declared*, That if any person shall be prosecuted under this act, for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to deter-

mine the law and the fact, under the direction of the court, as in other cases.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force until the third day of March, one thousand eight hundred and one, and no longer: *Provided*, that the expiration of the act shall not prevent or defeat a prosecution and punishment of any offence against the law, during the time it shall be in force.

Approved July 14, 1798.

Treaty with France for the Cession of Louisiana, 1803

Text in "Revised Statutes Relating to District of Columbia," edition of 1875, pp. 232–235; "United States Statutes at Large," Vol. VIII., pp. 200–206, etc. (See page 68.)

The President of the United States of America, and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendémiaire, an 9 (30th September, 1800) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid, the 27th of October, 1795, between his Catholic Majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their Plenipotentiaries, to wit: the President of the United States, by and with the advice and consent of the Senate of the said States, Robert R. Livingston, Minister Plenipotentiary of the United States, and James Monroe, Minister Plenipotentiary and Envoy Extraordinary of the said States, near the Government of the French Republic; and the First Consul, in the name of the French people, Citizen Francis Barbé Marbois, Minister of the Public Treas-

ury; who, after having respectively exchanged their full powers, have agreed to the following articles:

Article I.

Whereas by the article the third of the treaty concluded at St. Ildefonso, the 9th Vendémiaire, an 9 (1st October, 1800,) between the First Consul of the French

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THE OLD CABILDO OF NEW ORLEANS

(Here took place, December 20, 1803, the cession of Louisiana in conformity with the articles of the Treaty of St. Ildefonso)

Republic and His Catholic Majesty, it was agreed as follows: "His Catholic Majesty promises and engages on his part, to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to His Royal Highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and

such as it should be after the treaties subsequently entered into between Spain and other States." And whereas, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: The First Consul of the French Republic desiring to give to the United States a strong

NAPOLEON BONAPARTE AT THE TIME HE WAS FIRST CONSUL

(From an engraving by Piesinger of a picture by Guérin)

proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above-mentioned treaty, concluded with His Catholic Majesty.

ARTICLE II.

In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public

THE SIGNING OF THE TREATY FOR THE CESSION OF LOUISIANA

(From the relief modelled by Karl Bitter, sculptor, after a design by Emanuel Masqueray. It represents the moment of the signing of the Treaty by Robert R. Livingston, James Monroe, and Marbois, Napoleon's Minister of Foreign Affairs)

buildings, fortifications, barracks, and other edifices which are not private property. The archives, papers, and documents, relative to the domain and sovereignty of Louisiana and its dependences, will be left in the possession of the commissaries of the United States,

and copies will be afterwards given in due form to the magistrates and municipal officers of such of the said papers and documents as may be necessary to them.

Article III.

The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Article IV.

There shall be sent by the Government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of His Catholic Majesty the said country and its dependences, in the name of the French Republic, if it has not been already done, as to transmit it in the name of the French Republic to the commissary or agent of the United States.

SIGNATURE OF FRANCIS BARBÉ MARBOIS

Article V.

Immediately after the ratification of the present treaty by the President of the United States, and in case that of the First Consul shall have been previously obtained, the commissary of the French Republic shall remit all military posts of New Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the President to take possession; the troops,

whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

ARTICLE VI.

The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians, until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

ARTICLE VII.

As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the contracting parties, that the French ships coming directly from France or any of her colonies, loaded only with the produce and manufactures of France or her said colonies; and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the port of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandize, or other or greater tonnage than that paid by the citizens of the United States.

During the space of time above mentioned, no other nation shall have a right to the same privileges in the

ports of the ceded territory; the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French Govern-

JEAN BAPTISTE LE MOYNE BIENVILLE
(Who founded New Orleans in 1718)

ment, if it shall take place in the United States; it is, however, well understood that the object of the above article is to favor the manufactures, commerce, freight, and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without

in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandize of the United States, or any right they may have to make such regulations.

Article VIII.

In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the

PIERRE LE MOYNE D'IBERVILLE
(The founder of Louisiana in 1698)

footing of the most favoured nations in the ports above mentioned.

Article IX.

The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French Republic prior to the 30th Septr., 1800, (8th Vendémiaire, an 9,) is approved and to have its execution in the same manner as if it had been inserted in this present treaty; and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another particular convention signed at the same date as the present treaty relative to a definitive rule between the contracting parties is in the like manner approved, and will be ratified in the same form, and in the same time, and jointly.

Article X.

The present treaty shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months after the date of the signature by the Ministers Plenipotentiary, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed these articles in the French and English languages; declaring nevertheless that the present treaty was originally agreed to in the French language; and have thereunto affixed their seals.

Done at Paris the tenth day of Floréal, in the eleventh year of the French Republic, and the 30th of April, 1803.

Robt. R. Livingston. [L.S.]
Jas. Monroe. [L.S.]
F. Barbé Marbois. [L.S.]

Embargo Act, 1807

This Act of Congress, approved December 22, 1807, should be considered in connection with the treaty of 1794 with Great Britain, as the provisions of the latter concerning neutral commerce expired in 1806, in which year the Congress prohibited the importation of specified commodities from Great Britain. A month later this prohibition was suspended till July 1, 1807, as Great Britain persisted in the impressment of American citizens. Text in "United States Statutes at Large," Vol. II., pp. 451–453. (See page 79.)

An ACT laying an Embargo on all ships and vessels in the ports and harbors of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That an embargo be, and hereby is laid on all ships and vessels in the ports and places within the limits or jurisdiction of the United States, cleared or not cleared, bound to any foreign port or place; and that no clearance be furnished to any ship or vessel bound to such foreign port or place, except vessels under the immediate direction of the President of the United States: and that the President be authorized to give such instructions to the officers of the revenue, and of the navy and revenue cutters of the United States, as shall appear best adapted for carrying the same into full effect: *Provided,* that nothing herein contained shall be construed to prevent the departure

of any foreign ship or vessel, either in ballast, or with the goods, wares and merchandise on board of such foreign ship or vessel, when notified of this act.

SEC. 2. *And be it further enacted*, That during the continuance of this act, no registered, or sea letter vessel, having on board goods, wares and merchandise, shall be allowed to depart from one port of the United States to any other within the same, unless the master, owner, consignee or factor of such vessel shall first give bond, with one or more sureties to the collector of the district from which she is bound to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares, or merchandise shall be relanded in some port of the United States, dangers of the seas excepted, which bond, and also a certificate from the collector where the same may be relanded, shall by the collector respectively be transmitted to the Secretary of the Treasury. All armed vessels possessing public commissions from any foreign power, are not to be considered as liable to the embargo laid by this act.

JEFFERSON ON THE BURR CONSPIRACY, 1807

The President had twice officially referred to the Burr movements, once in a proclamation (November 27, 1806) and again in his annual message (December 2, following). On January 16, 1807, John Randolph offered a resolution in the House calling on the President for such information as he might have concerning "any illegal combination of private individuals against the peace and safety of the Union," etc. In response the President sent the following message. Text in "Journal of the House of Representatives of the United States." Ninth Congress, Second Session, December, 1806–March, 1807. (Contained in "United States House Journal," Vol. V., Eighth–Ninth Congresses (1804–1807), pp. 545–547. (See page 89.)

To the Senate and House of Representatives of the United States:

AGREEABLY to the request of the House of Representatives communicated in their resolution of the sixteenth instant, I proceed to state, under the reserve therein expressed, information received touching an illegal combination of private individuals against the peace and safety of the Union, and a military expedition planned by them against the Territories of a Power in amity with the United States, with the measures I have pursued for suppressing the same.

I had, for some time, been in the constant expectation

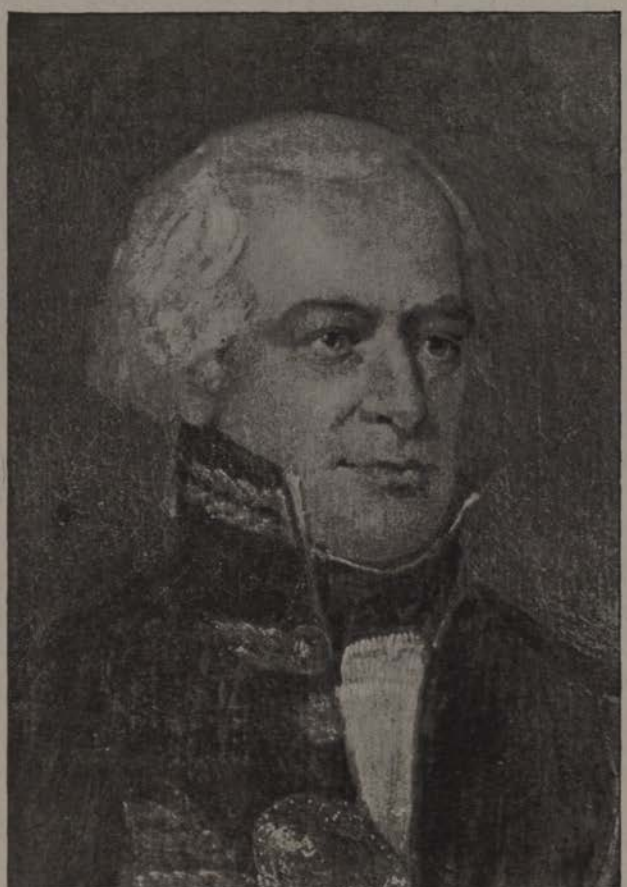
of receiving such further information as would have enabled me to lay before the Legislature the termination, as well as the beginning and progress of this scene of depravity, so far as it has been acted on the Ohio and its waters. From this the state and safety of the lower country might have been estimated on probable grounds; and the delay was indulged the rather, because no circumstance had yet made it necessary to call in the aid of the Legislative functions. Information, now recently communicated, has brought us nearly to the period contemplated. The mass of what I have received, in the course of these transactions, is voluminous: but little has been given under the sanction of an oath, so as to constitute formal and legal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions, as renders it difficult to sift out the real facts, and unadvisable to hazard more than general outlines, strengthened by concurrent information, or the particular credibility of the relator. In this state of the evidence, delivered sometimes, too, under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal actor, whose guilt is placed beyond question.

Some time in the latter part of September, I received intimations that designs were in agitation in the Western country, unlawful and unfriendly to the peace of the Union; and that the prime mover in these was Aaron Burr, heretofore distinguished by the favor of his country. The ground of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken was to urge the informants to use their best endeavors to get further insight into the designs and proceedings of the suspected persons, and to communicate them to me.

It was not until the latter part of October, that the objects of the conspiracy began to be perceived; but

still so blended, and involved in mystery, that nothing distinct could be singled out for pursuit. In this state of uncertainty, as to the crime contemplated, the acts done, and the legal course to be pursued, I thought it best to send to the scene, where these things were principally in transaction, a person in whose integrity, understanding, and discretion, entire confidence could be reposed, with instructions to investigate the plots going on, to enter into conference (for which he had sufficient credentials) with the Governors, and all other officers, civil and military, and, with their aid, to do on the spot whatever should be necessary to discover the designs of the conspirators, arrest their means, bring their persons to punishment, and to call out the force of the country to suppress any unlawful enterprise in which it should be found they were engaged. By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio and its waters. Besides despatching the confidential agent to that quarter, orders were at the same time sent to the Governors of the Orleans and Mississippi Territories, and to the commanders of the land and naval forces there, to be on their guard against surprise, and in constant readiness to resist any enterprise which might be attempted on the vessels, posts, or other objects under their care: and, on the eighth of November, instructions were forwarded to General Wilkinson, to hasten an accommodation with the Spanish commandant on the Sabine, and as soon as that was effected, to fall back with his principal force to the hither bank of the Mississippi, for the defence of the interesting points on that river. By a letter received from that officer, on the twenty-fifth of November, but dated October twenty-first, we learnt that a confidential agent of Aaron Burr, had been deputed to him, with communications, partly written in cypher, and partly oral, explaining his de-

signs, exaggerating his resources, and making such offers of emolument and command, to engage him and the



GEN. JAMES WILKINSON

(From a painting supposed to be by West, but not positively identified)

army in his unlawful enterprises, as he had flattered himself would be successful. The General, with the honor of a soldier, and fidelity of a good citizen, immedi-

ately despatched a trusty officer to me, with information of what had passed, proceeded to establish such an understanding with the Spanish commandant on the Sabine, as permitted him to withdraw his force across

DISTRICT-JUDGE CYRUS GRIFFIN
(Associated on the bench with Chief-Justice Marshall at the trial of Burr)

the Mississippi, and to enter on measures for opposing the projected enterprise.

The General's letter, which came to hand on the twenty-fifth of November, as has been mentioned, and some other information received a few days earlier, when brought together, developed Burr's general designs, different parts of which only had been revealed

to different informants. It appeared that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the Union of these States by the Alleghany mountains; the other an attack on Mexico. A third object was provided, merely ostensible, to wit: the settlement of a pretended purchase of a tract of country on the Washita, claimed by a Baron Bastrop. This was to serve as the pretext for all his preparations, an allurement for such followers as really wished to acquire settlements in that country, and a cover under which to retreat in the event of a final discomfiture of both branches of his real design.

He found, at once, that the attachment of the Western country to the present Union was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course, then, at once, determined to seize on New Orleans, plunder the Bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico; and to this object all his means and preparations were now directed. He collected from all the quarters, where himself or his agents possessed influence, all the ardent, restless, desperate, and disaffected persons, who were ready for any enterprise analogous to their characters. He seduced good and well meaning citizens, some by assurances that he possessed the confidence of the Government, and was acting under its secret patronage; a pretence which procured some credit from the state of our differences with Spain; and others by offers of land in Bastrop's claim on the Washita.

This was the state of my information of his proceedings about the last of November, at which time, therefore, it was first possible to take specific measures to meet them. The proclamation of November twenty-

WHERE THE BURR TRIAL WAS HELD

(Chamber of the House of Delegates in the Virginia State Capitol, as it appeared before alterations)

seventh, two days after the receipt of General Wilkinson's information, was now issued. Orders were despatched to every interesting point on the Ohio and Mississippi, from Pittsburg to New Orleans, for the employment of such force, either of the regulars or of the militia, and of such proceedings also, of the civil authorities, as might enable them to seize on all boats and stores provided for the enterprise, to arrest the persons concerned, and to suppress effectually the further progress of the enterprise. A little before the receipt of these orders, in the State of Ohio, our confidential agent, who had been diligently employed in investigating the conspiracy, had acquired sufficient information to open himself to the Governor of that State, and to apply for the immediate exertion of the authority and power of the State, to crush the combination. Governor Tiffin, and the Legislature, with a promptitude, an energy, and patriotic zeal, which entitle them to a distinguished place in the affection of their sister States, effected the seizure of all the boats, provisions, and other preparations within their reach, and thus gave a first blow, materially disabling the enterprise in its outset.

In Kentucky, a premature attempt to bring Burr to justice, without sufficient evidence for his conviction, had produced a popular impression in his favor, and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments. The arrival of the proclamation and orders, and the application and information of our confidential agent, at length awakened the authorities of that State to the truth, and then produced the same promptitude and energy of which the neighboring State had set the example. Under an act of their Legislature, of December twenty-third, militia was instantly ordered to different important points, and measures taken for doing whatever could yet be done. Some boats (accounts vary from

five to double or treble that number) and persons (differently estimated from one to three hundred) had, in the mean time, passed the Falls of the Ohio, to rendezvous at the mouth of Cumberland, with others expected down that river.

Not apprized, till very late, that any boats were building on Cumberland, the effect of the proclamation had been trusted to for some time in the State of Tennessee; but, on the nineteenth of December, similar communications and instructions, with those to the neighboring States, were despatched, by express, to the Governor, and a general officer of the Western division of the State; and, on the twenty-third of December, our confidential agent left Frankfort for Nashville, to put into activity the means of that State also. But, by information received yesterday, I learn that, on the twenty-second of December, Mr. Burr descended the Cumberland, with two boats merely of accommodation, carrying from that State no quota toward his unlawful enterprise. Whether, after the arrival of the proclamation, of the orders, or of our agents, any exertion which could be made by that State, or the orders of the Governor of Kentucky for calling out the militia at the

JOHN WICKHAM
(Chief associate of Randolph at the Burr trial)

mouth of Cumberland, would be in time to arrest these boats, and those from the Falls of Ohio, is still doubtful.

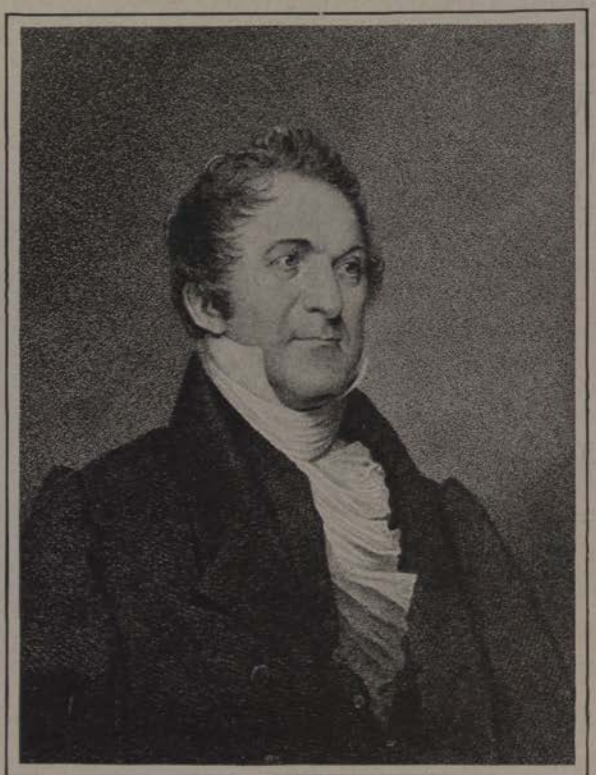
On the whole, the fugitives from the Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious danger to the City of New Orleans.

By the same express of December nineteenth, orders were sent to the Governors of Orleans and Mississippi, supplementary to those which had been given on the twenty-fifth of November, to hold the militia of their Territories in readiness to co-operate for their defence with the regular troops and armed vessels then under command of General Wilkinson. Great alarm indeed was excited at New Orleans, by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies and navies he was to assemble there. General Wilkinson had arrived there himself, on the twenty-fourth of November, and had immediately put into activity the resources of the place, for the purpose of its defence; and, on the tenth of December, he was joined by his troops from the Sabine. Great zeal was shewn by the inhabitants generally; the merchants of the place readily agreeing to the most laudable exertions and sacrifices for manning the armed vessels with their seamen; and the other citizens manifesting unequivocal fidelity to the Union, and a spirit of determined resistance to their expected assailants.

Surmises have been hazarded that this enterprise is to receive aid from certain foreign Powers. But these surmises are without proof or probability. The wisdom of the measures sanctioned by Congress at its last session, has placed us in the paths of peace and justice with the only Powers with whom we had any differences; and nothing has happened since which makes it either their interest or ours to pursue another course. . . . These surmises are, therefore, to be imputed to the vauntings of

the author of this enterprise to multiply his partisans by magnifying the belief of his prospects and support.

By letters from General Wilkinson, of the fourteenth and eighteenth of December, which came to hand two days after the date of the resolution of the House of



WILLIAM WIRT
(First assistant to District-Attorney George Hay at the Burr trial)

Representatives, that is to say, on the morning of the eighteenth instant, I received the important affidavit, a copy of which I now communicate, with extracts of so much of the letters as comes within the scope of the

resolution. By these it will be seen that of three of the principal emissaries of Mr. Burr, whom the General had caused to be apprehended, one had been liberated by habeas corpus, and two others, being those particularly employed in the endeavor to corrupt the General and army of the United States, have been embarked by him for ports in the Atlantic States, probably on the consideration that an impartial trial could not be expected, during the present agitations of New Orleans, and that that City was not, as yet, a safe place of confinement. As soon as these persons shall arrive, they will be delivered to the custody of the law, and left to such course of trial, both as to place and process, as its functionaries may direct. The presence of the highest judicial authorities, to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and the aid of the Executive means, should the Judges have occasion to use them, render it equally desirable, for the criminal as for the public, that, being already removed from the place where they were apprehended, the first regular arrest should take place here, and the course of proceedings receive here its proper direction.

Non-intercourse Act, 1809

Action leading to the passage of this act was based on a resolution offered in the Senate to repeal the Embargo Act, except as to Great Britain and France, and to prohibit commercial intercourse with them. Separate bills were introduced in both Houses for this purpose. The House bill in amended form was accepted by the Senate, and on March 1, 1809, the act was approved. Text in "United States Statutes at Large," Vol. II., pp. 528–533. (See page 85.)

An ACT to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the entrance of the harbors and waters of the United States and of the territories thereof, be, and the same is hereby interdicted to all public ships and vessels belonging to Great Britain or France, excepting vessels only which may be forced in by distress, or which are charged with despatches or business from the government to which they belong, and also packets having no cargo nor merchandise on board. And if any public ship or vessel as aforesaid, not being included in the exception above mentioned, shall enter any harbor or waters within the jurisdiction of the United States, or of the territories

thereof, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces, or of the militia of the United States, or the territories thereof, as he shall deem necessary, to compel such ship or vessel to depart.

COMMODORE JAMES BARRON

(In command of the frigate *Chesapeake* when she was attacked in American waters in 1807 by the British man-of-war *Leopard*)

SEC. 2. *And be it further enacted*, That it shall not be lawful for any citizen or citizens of the United States or the territories thereof, nor for any person or persons residing or being in the same, to have any intercourse with, or to afford any aid or supplies to any public ship or vessel as aforesaid, which shall, contrary to the provisions of this act, have entered any harbor or waters within the jurisdiction of the United States or the territories thereof; and if any person shall, contrary to the provisions of this act, have any intercourse with such ship or vessel, or shall afford any aid to such ship or vessel, either in repairing the said vessel or in furnishing her, her officers and crew with supplies of any kind or in any manner whatever, or if any pilot or other person shall assist in navigating or piloting such ship or vessel, unless it be for the purpose of carrying her beyond the limits and jurisdiction of the United States, every per-

son so offending, shall forfeit and pay a sum not less than one hundred dollars, nor exceeding ten thousand dollars; and shall also be imprisoned for a term not less than one month, nor more than one year.

SEC. 3. *And be it further enacted*, That from and after the twentieth day of May next, the entrance of the harbors and waters of the United States and the territories thereof be, and the same is hereby interdicted to all ships or vessels sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either; vessels hired, chartered or employed by the government of either country, for the sole purpose of carrying letters or despatches, and also vessels forced in by distress or by the dangers of the sea, only excepted. And if any ship or vessel sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either, and not excepted as aforesaid, shall after the said twentieth day of May next, arrive either with or without a cargo, within the limits of the United States or of the territories thereof, such ship or vessel, together with the cargo, if any, which may be found on board, shall be forfeited, and may be seized and condemned in any court of the United States or the territories thereof, having competent jurisdiction, and all and every act and acts heretofore passed, which shall be within the purview of this act, shall be, and the same are hereby repealed.

SEC. 4. *And be it further enacted*, That from and after the twentieth day of May next, it shall not be lawful to import into the United States or the territories thereof any goods, wares or merchandise whatever, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, nor from any port or place situated in France, or in any of her colonies or dependencies, nor from any port or place in the actual possession of either Great Britain

or France. Nor shall it be lawful to import into the United States, or the territories thereof, from any foreign port or place whatever, any goods, wares or merchandise whatever, being of the growth, produce or manufacture of France, or of any of her colonies or dependencies, or being of the growth, produce or manufacture of Great Britain or Ireland, or of any of the

TYPICAL PRIVATEER OF THE WAR OF 1812
("Topsail schooner" mounting carronades, and a "long Tom" amidships on a swivel)

colonies or dependencies of Great Britain, or being of the growth, produce or manufacture of any place or country in the actual possession of either France or Great Britain: *Provided*, that nothing herein contained shall be construed to affect the cargoes of ships or vessels wholly owned by a citizen or citizens of the United States, which had cleared for any port beyond the Cape of Good Hope, prior to the twenty-second day of December, one thousand eight hundred and seven, or which had departed for such port by permission of the President, under the acts supplementary to the act laying an embargo on all ships and vessels in the ports and harbors of the United States.

[Sec. 5 provides for the forfeiture of articles imported contrary to the provisions of the act.]

SEC. 6. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat, raft or carriage, such ship or vessel, boat, raft or carriage shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay treble the value of such articles.

[Sections 7–10 prescribe administrative regulations.]

SEC. 11. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States, suspended by this act, and by the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing: *Provided*, that all penalties and forfeitures which shall have been previously incurred, by virtue of this or of any other act, the operation of which shall so cease and determine, shall be recovered and distributed, in like manner as if the same had continued in full force and virtue: and vessels bound thereafter to any foreign port or place, with which commercial intercourse shall by virtue of this section be again permitted, shall give bond to the United States, with approved security, in double the value of the vessel and cargo, that they shall not proceed to any foreign port, nor trade with any country other than those with which commercial

intercourse shall have been or may be permitted by this act.

SEC. 12. *And be it further enacted*, That so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as forbids the departure of vessels owned by citizens of the United States, and the exportation of domestic and foreign merchandise to any foreign port or place, be and the same is hereby repealed, after the fifteenth day of March, one thousand eight hundred and nine, except so far as they relate to Great Britain or France, or their colonies or dependencies, or places in the actual possession of either. . . .

UNIFORM OF A SAILOR, WAR OF 1812

SEC. 13. *And be it further enacted*, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no ship or vessel bound to a foreign port, with which commercial intercourse shall, by virtue of this act, be again permitted, shall be allowed to depart for such port, unless the owner or owners, consignee or factor of such ship or vessel shall, with the master, have given bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, if the vessel is wholly owned by a citizen or citizens of the United States; and in a sum four times the value, if the vessel is owned in part or in whole by any foreigner or foreigners, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to any port or place in Great Britain or France, or in the colonies or

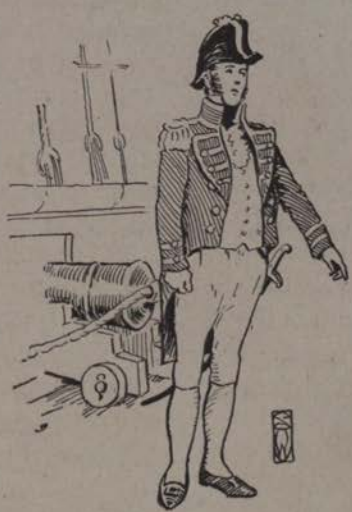
dependencies of either, or in the actual possession of either, nor be directly or indirectly engaged during the voyage in any trade with such port, nor shall put any article on board of any other vessel; nor unless every other requisite and provision of the second section of the act, intituled "An act to enforce and make more effectual an act, intituled An act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto," shall have been complied with. And the party or parties to the above mentioned bond shall, within a reasonable time after the date of the same, to be expressed in the said bond, produce to the collector of the district, from which the vessel shall have been cleared, a certificate of the landing of the same, in the same manner as is provided by law for the landing of goods exported with the privilege of drawback; on failure whereof, the bond shall be put in suit; and in every such suit judgment shall be given against the defendant or defendants, unless proof shall be produced of such relanding, or of loss at sea.

UNIFORM OF A MARINE, WAR OF 1812

SEC. 14. *And be it further enacted*, That so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as compels vessels owned by citizens of the United States, bound to another port of the said States, or vessels licensed for the coasting trade, or boats, either not masted or not decked, to give bond, and to load under the inspection of a revenue officer, or renders them liable to detention, merely on account of the nature of their cargo, (such

provisions excepted as relate to collection districts adjacent to the territories, colonies or provinces of a foreign nation, or to vessels belonging or bound to such districts) be, and the same is hereby repealed, from and after the fifteenth day of March, one thousand eight hundred and nine. . . .

SEC. 15. *And be it further enacted*, That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no vessel owned by citizens of the United States, bound to another port of the said States or licensed for the coasting trade, shall be allowed to depart from any port of the United States, or shall receive a clearance, nor shall it be lawful to put on board any such vessel any specie or goods, wares, or merchandise, unless a permit shall have been previously obtained from the proper collector, or from a revenue officer, authorized by the collector to grant such permits; nor unless the owner, consignee, agent, or factor shall, with the master, give bond with one or more sureties, to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be relanded in some port of the United States: *Provided*, that it shall be lawful and sufficient in the case of any such vessel, whose employment has been



UNIFORM OF A CAPTAIN, WAR OF 1812

uniformly confined to rivers, bays and sounds within the jurisdiction of the United States, to give bond in an amount equal to one hundred and fifty dollars, for each ton of said vessel, with condition that such vessel shall not, during the time limited in the condition of the bond, proceed to any foreign port or place, or put any article on board of any other vessel, or be employed in any foreign trade.

[Sec. 16 prescribes penalties.]

[Sec. 17 repeals act of April 18, 1806, and supplementary act, after May 20.]

[Sec. 18 provides for the recovery and mitigation of penalties and forfeitures.]

SEC. 19. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer; and that the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, shall be, and the same are hereby repealed from and after the end of the next session of Congress.

Suspension of Intercourse with Great Britain, 1810

This proclamation by President Madison, dated November 2, 1810, should be considered in connection with the Embargo and Non-intercourse Acts of the Congress. Its immediate purpose is set forth in the preambles. Text from "Annals of Congress," Third Session, Eleventh Congress. Washington: Gales & Seaton, 1853, p. 1248. (See page 94.)

Whereas by the fourth section of the act of Congress passed on the 1st day of May, 1810, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," it is provided "that in case either Great Britain or France shall before the 3d day of March next so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, which fact the President of the United States shall declare by proclamation, and if the other nation shall not within three months thereafter so revoke or modify her edicts in like manner, then the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eighteenth sections of the act entitled 'An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes,' shall from and after the expiration of three months from the date

of the proclamation aforesaid be revived and have full force and effect so far as relates to the dominions, colonies, and dependencies, and to the articles the growth, produce, or manufacture of the dominions, colonies, and

R. SMITH
(Secretary of State in 1809–11)

dependencies, of the nation thus refusing or neglecting to revoke or modify her edicts in the manner aforesaid. And the restrictions imposed by this act shall, from the date of such proclamation cease and be discontinued in relation to the nation revoking or modifying her decrees in the manner aforesaid;" and

Whereas it has been officially made known to this Government that the edicts of France violating the neutral commerce of the United States have been so revoked as to cease to have effect on the 1st of the present month:

Now, therefore, I, James Madison, President of the United States, do hereby proclaim that the said edicts of France have been so revoked as that they ceased on the said 1st day of the present month to violate the neutral commerce of the United States, and that from the date of these presents all the restrictions imposed by the aforesaid act shall cease and be discontinued in relation to France and their dependencies.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand, at the city (SEAL.) of Washington, this 2d day of November, A. D. 1810, and of the Independence of the United States the thirty-fifth.

JAMES MADISON.

By the President:

R. SMITH,

Secretary of State.

Madison's War Message, 1812

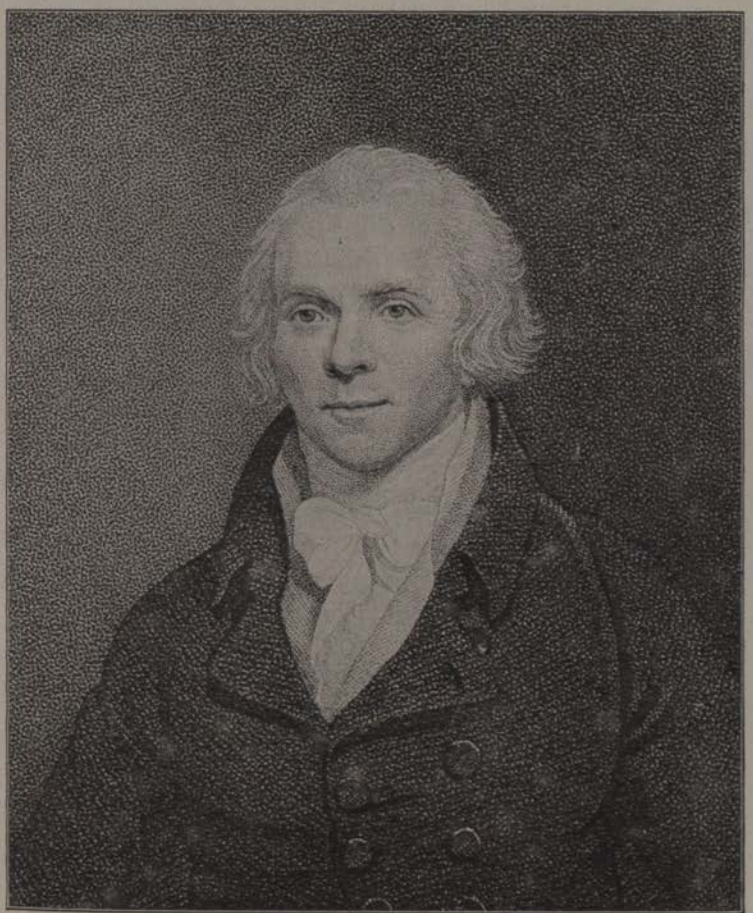
On April 19, 1809, Madison suspended the Non-intercourse Act as against Great Britain on the assurance that the Orders in Council would be withdrawn, and subsequently was led to believe that the French decrees had been revoked. Finding himself deceived in both instances, he sent to the Congress the following message on June 1, 1812. Text in "House Supplementary Journal," edition of 1826, Vol. VIII., pp. 454–457. (See page 99.)

To the Senate and House of Representatives of the United States:

I COMMUNICATE to Congress certain documents, being a continuation of those heretofore laid before them, on the subject of our affairs with Great Britain.

Without going back beyond the renewal, in one thousand eight hundred and three, of the war in which Great Britain is engaged, and omitting unrepaired wrongs of inferior magnitude, the conduct of her Government presents a series of acts, hostile to the United States as an independent and neutral nation.

British cruisers have been in the continued practice of violating the American flag on the great high-way of nations, and of seizing and carrying off persons sailing under it; not in the exercise of a belligerent right founded on the law of nations against an enemy, but of a municipal prerogative over British subjects. British jurisdic-



SPENCER PERCEVAL, PRIME MINISTER OF ENGLAND IN 1812
(From a painting by Sir William Beechey)

tion is thus extended to neutral vessels, in a situation where no laws can operate but the law of nations, and the laws of the country to which the vessels belong; and a self-redress is assumed, which, if British subjects were wrongfully detained and alone concerned, is that substitution of force, for a resort to the responsible sovereign, which falls within the definition of war. Could the seizure of British subjects, in such cases, be regarded as within the exercise of a belligerent right, the acknowledged laws of war, which forbid an article of captured property to be adjudged, without a regular investigation before a competent tribunal, would imperiously demand the fairest trial, where the sacred rights of persons were at issue. In place of such a trial, these rights are subjected to the will of every petty commander.

The practice, hence, is so far from affecting British subjects alone, that, under the pretext of searching for these, thousands of American citizens, under the safeguard of public law, and of their national flag, have been torn from their country, and from everything dear to them; have been dragged on board of ships of war of a foreign nation, and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

Against this crying enormity, which Great Britain would be so prompt to avenge if committed against herself, the United States have in vain exhausted remonstrances and expostulations; and that no proof might be wanting of their conciliatory disposition, and no pretext left for a continuance of the practice, the British Government was formally assured of the readiness of the United States to enter into arrangements, such as could not be rejected, if the recovery of British subjects were the real and sole object. The communication passed without effect.

James Madison

JAMES MADISON

(From an engraving by T. B. Welch after a drawing from life at Montpelier, Virginia, in 1833)

British cruisers have been in the practice also of violating the rights and the peace of our coasts. They hover over and harass our entering and departing commerce. To the most insulting pretentions they have added the most lawless proceedings in our very harbors; and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. The principles and rules enforced by that nation, when a neutral nation, against armed vessels of belligerents hovering near her coasts and disturbing her commerce, are well known. When called on, nevertheless, by the United States, to punish the greater offences committed by her own vessels, her Government has bestowed on their commanders additional marks of honor and confidence.

Under pretended blockades, without the presence of an adequate force, and sometimes without the practicability of applying one, our commerce has been plundered in every sea; the great staples of our country have been cut off from their legitimate markets; and a destructive blow aimed at our agricultural and maritime interest. In aggravation of these predatory measures, they have been considered as in force from the dates of their notification; a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal, these mock blockades have been reiterated and enforced in the face of official communications from the British Government, declaring, as the true definition of a legal blockade, "that particular ports must be actually invested, and previous warning given to vessels bound to them, not to enter."

Not content with these occasional expedients for laying waste our neutral trade, the Cabinet of Britain resorted, at length, to the sweeping system of blockades, under the name of Orders in Council; which has been moulded and managed, as might best suit its political

views, its commercial jealousies, or the avidity of British cruizers.

To our remonstrances against the complicated and transcendent injustice of this innovation, the first reply

DECLARATION OF WAR,

BY EXPRESS!!!

A Messenger has just arrived in town from Boston, by express, bearing the important intelligence of a Declaration of War with England. Having been favored with a copy of the Letter from General Dearbon, we hasten to lay the following extract before the Public.

Argus Office, Portland, *June* 23, 1812,

Head-Quarters—Boston, June 22, 1812.

" Lieut Col Ripley

Sir,

Having received Official information of the Declaration of War, against Great-Britain, you will take every measure in your power for preparation for defence—I have sent an express with this, & wish you to forward this dispatch by an express that can be relied on, to Passamaquoddy—The express will proceed with all possible dispatch, and deliver this letter to the Commanding Officer of the U. S. troops at that place."

HENRY DEARBORN.

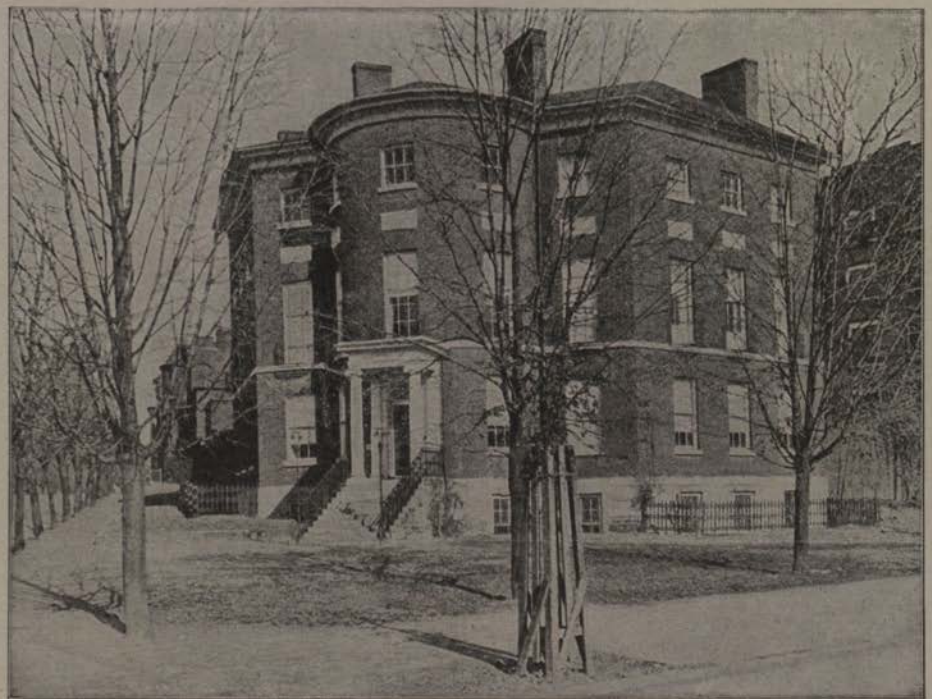
"DECLARATION OF WAR, BY EXPRESS"
(From the Original Broadside in New York Public Library)

was, that the orders were reluctantly adopted by Great Britain, as a necessary retaliation on decrees of her enemy, proclaiming a general blockade of the British Isles, at a time when the naval force of that enemy dared not issue from his own ports. She was reminded, without effect, that her own prior blockades, unsupported by an adequate naval force actually applied and continued, were a bar to this plea: that executed edicts

against millions of our property could not be retaliation on edicts confessedly impossible to be executed; that retaliation, to be just, should fall on the party setting the guilty example, not on an innocent party, which was not even chargeable with an acquiescence in it.

When deprived of this flimsy veil for a prohibition of our trade with her enemy, by the repeal of his prohibition of our trade with Great Britain, her Cabinet, instead of a corresponding repeal, or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States, until the markets of her enemy should be laid open to British products; thus asserting an obligation on a neutral Power to require one belligerent to encourage, by its internal regulations, the trade of another belligerent; contradicting her own practice towards all nations, in peace as well as in war; and betraying the insincerity of those professions which inculcated a belief, that, having resorted to her orders with regret, she was anxious to find an occasion for putting an end to them.

Abandoning still more all respect for the neutral rights of the United States, and for its own consistency, the British Government now demands, as pre-requisites to a repeal of its orders as they relate to the United States, that a formality should be observed in the repeal of the French decrees, no wise necessary to their termination, nor exemplified by British usage; and that the French repeal, besides including that portion of the decrees which operate within a territorial jurisdiction, as well as that which operates on the high seas, against the commerce of the United States, should not be a single and special repeal in relation to the United States, but should be extended to whatever other neutral nations, unconnected with them, may be affected by those decrees. And, as an additional insult, they are called on for a formal disavowal of conditions and pretensions advanced by the French Government, for which the



THE OCTAGON HOUSE

(Occupied by President Madison after the burning of the White House in 1814)

United States are so far from having made themselves responsible, that, in official explanations which have been published to the world, and in a correspondence of the American Minister at London with the British Minister of Foreign Affairs, such a responsibility was explicitly and emphatically disclaimed.

It has become, indeed, sufficiently certain, that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain; not as supplying the wants of her enemies, which she herself supplies; but, as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend, that she may the better carry on a commerce with an enemy; a commerce polluted by the forgeries and perjuries, which are, for the most part, the only passports by which it can succeed.

Anxious to make every experiment short of the last resort of injured nations, the United States have withheld from Great Britain, under successive modifications, the benefits of a free intercourse with her market, the loss of which could not but outweigh the profits accruing from her restrictions of our commerce with other nations. And to entitle these experiments to the more favorable consideration, they were so framed as to enable her to place her adversary under the exclusive operation of them. To these appeals her Government has been equally inflexible, as if willing to make sacrifices of every sort, rather than yield to the claims of justice, or renounce the errors of a false pride. Nay, so far were the attempts carried to overcome the attachment of the British Cabinet to its unjust edicts, that it received every encouragement within the competency of the Executive branch of our Government, to expect that a repeal of them would be followed by a war between the United States and France, unless the French edicts should also be repealed. Even this communica-

tion, although silencing forever the plea of a disposition in the United States to acquiesce in those edicts, originally the sole plea for them, received no attention.

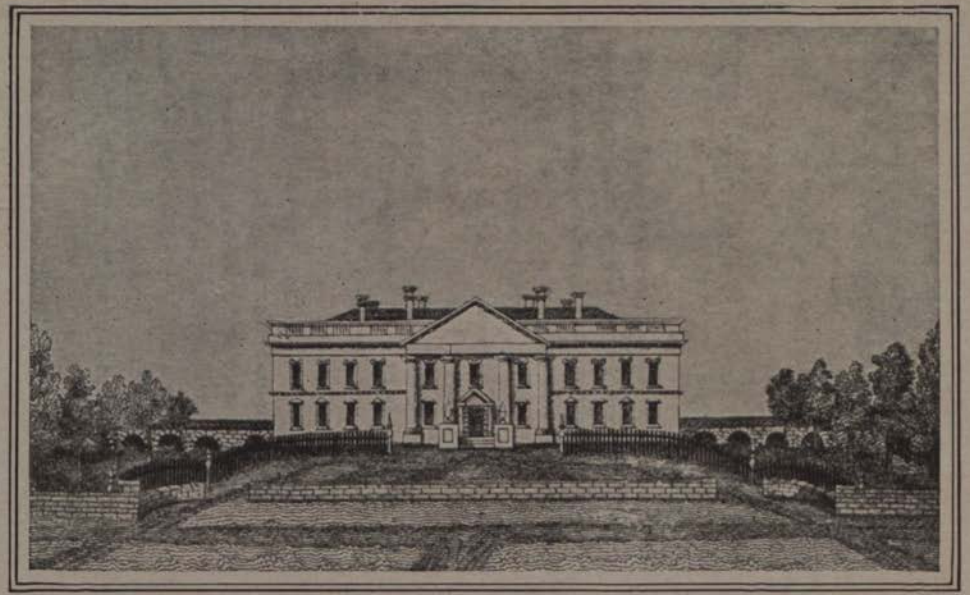
If no other proof existed of a predetermination of the British Government against a repeal of its orders, it might be found in the correspondence of the Minister Plenipotentiary of the United States at London, and the British Secretary of Foreign Affairs, in one thousand eight hundred and ten, on the question whether the blockade of May, one thousand eight hundred and six, was considered as in force, or as not in force. It had been ascertained that the French Government, which urged this blockade as the ground of its Berlin decree, was willing, in the event of its removal, to repeal that decree; which, being followed by alternate repeals of the other offensive edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed, so often to be the desire of both the belligerents, was made known to the British Government. As that Government admits that an actual application of an adequate force is necessary to the existence of legal blockade, and it was notorious that, if such a force had ever been applied, its long discontinuance had annulled the blockade in question, there could be no sufficient objection on the part of Great Britain to a formal revocation of it; and no imaginable objection to a declaration of the fact that the blockade did not exist. The declaration would have been consistent with her avowed principles of blockade; and would have enabled the United States to demand from France the pledged repeal of her decrees: either with success, in which case the way would have been opened for a general repeal of the belligerent edicts; or without success, in which case the United States would have been justified in turning their measures exclusively against France. The British Government would, however,

THE CAPITOL DURING MADISON'S ADMINISTRATION

neither rescind the blockade, nor declare its non-existence; nor permit its non-existence to be inferred and affirmed by the American Plenipotentiary. On the contrary, by representing the blockade to be comprehended in the Orders in Council, the United States were compelled so to regard it, in their subsequent proceedings.

There was a period when a favorable change in the policy of the British Cabinet was justly considered as established. The Minister Plenipotentiary of His Britannic Majesty here, proposed an adjustment of the differences more immediately endangering the harmony of the two countries. The proposition was accepted with the promptitude and cordiality corresponding with the invariable profession of this Government. A foundation appeared to be laid for a sincere and lasting reconciliation. The prospect, however, quickly vanished. The whole proceeding was disavowed by the British Government, without any explanations, which could, at that time, repress the belief, that the disavowal proceeded from a spirit of hostility to the commercial rights and prosperity of the United States. And it has since come into proof, that, at the very moment when the Public Minister was holding the language of friendship, and inspiring confidence in the sincerity of the negotiation with which he was charged, a secret Agent of his Government was employed in intrigues, having for their object a subversion of our Government, and a dismemberment of our happy Union.

In reviewing the conduct of Great Britain toward the United States, our attention is necessarily drawn to the warfare, just renewed by the savages, on one of our extensive frontiers; a warfare which is known to spare neither age nor sex, and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have been for some time developing themselves among tribes



THE WHITE HOUSE IN THE TIME OF MADISON

(From an old print)

in constant intercourse with British traders and garrisons, without connecting their hostility with that influence, and without recollecting the authenticated examples of such interpositions, heretofore furnished by the officers and agents of that Government.

Such is the spectacle of injuries and indignities which have been heaped on our country; and such the crisis which its unexampled forbearance and conciliatory efforts have not been able to avert. It might at least have been expected, that an enlightened nation, if less urged by moral obligations, or invited by friendly disposition on the part of the United States, would have found, in its true interest alone, a sufficient motive to respect their rights and their tranquillity on the high seas; that an enlarged policy would have favored that free and general circulation of commerce in which the British nation is at all times interested, and which, in times of war, is the best alleviation of its calamities to herself, as well as to other belligerents; and, more especially, that the British Cabinet would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

MRS. JAMES MADISON
(From an original painting by Gilbert Stuart)

Other councils have prevailed. Our moderation and

conciliation have had no other effect than to encourage perseverance and to enlarge pretensions. We behold our sea-faring citizens still the daily victims of lawless violence, committed on the great and common highway of nations, even within sight of the country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts, no longer the organs of public law, but the instruments of arbitrary edicts, and their unfortunate crews dispersed and lost, or forced or inveigled in British ports into British fleets, whilst arguments are employed in support of these aggressions, which have no foundation but in a principle equally supporting a claim to regulate our external commerce in all cases whatsoever.

We behold, in fine, on the side of Great Britain, a state of war against the United States; and on the side of the United States, a state of peace towards Great Britain.

Whether the United States shall continue passive under these progressive usurpations, and these accumulating wrongs, or, opposing force to force in defence of their national rights, shall commit a just cause into the hands of the Almighty Disposer of events, avoiding all connexions which might entangle it in the contests or views of other Powers, and preserving a constant readiness to concur in an honorable re-establishment of peace and friendship, is a solemn question, which the Constitution wisely confides to the Legislative Department of the Government. In recommending it to their early deliberations, I am happy in the assurance, that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation. . . .

Declaration of War Against Great Britain, 1812

Two days after Madison sent his war message to the Congress the Committee on Foreign Relations of the House reported a bill declaring war with Great Britain, and, after the bill had been amended in both Houses, it was passed and approved on June 18, 1812. On the following day the existence of war was proclaimed. Text of the declaration in "United States Statutes at Large," Vol. II., p. 755. (See page 100.)

An Act declaring War between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That war be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof.

MONTPELIER, VIRGINIA, THE HOME OF MADISON

Captain Perry's Report on the Battle of Lake Erie, 1813

The following is the text of Perry's official report to William Jones, Secretary of the Navy, on his victory on Lake Erie, September 10, 1813. From "American State Papers, Naval Affairs," Vol. I., p. 295. (See page 109.)

U. S. Schooner Ariel, Put-in-Bay,
September 13th, 1813.

Sir,—In my last I informed you that we had captured the enemy's fleet on this lake. I have now the honor to give you the most important particulars of the action. On the morning of the tenth instant at sunrise, they were discovered from Put-in-Bay, where I lay at anchor with the squadron under my command. We got under way, the wind light at southwest and stood for them. At ten A.M. the wind hauled to southeast and brought us to windward; formed the line and bore up. At fifteen minutes before twelve, the enemy commenced firing; at five minutes before twelve, the action commenced on our part. Finding their fire very destructive, owing to their long guns, and its being mostly directed at the Lawrence, I made sail, and directed the other vessels to follow, for the purpose of closing with the enemy. Every brace and bowline being soon shot away, she became unmanageable, notwithstanding the great exertions of the sailing master. In this situation she sustained the action upwards of two hours, within

canister shot distance, until every gun was rendered useless, and a greater part of the crew either killed or wounded. Finding she could no longer annoy the enemy, I left her in charge of Lieutenant Yarnall, who, I was convinced, from the bravery already displayed by him, would do what would comport with the honor of the flag. At half-past two, the wind springing up, Captain Elliott was enabled to bring his vessel, the Niagara, gallantly into close action; I immediately went on board of her, when he anticipated my wish by volunteering to bring the schooners, which had been kept astern by the lightness of the wind, into close action. It was with unspeakable pain that I saw, soon after I got on board the Niagara, the flag of the Lawrence come down, although I was perfectly sensible that she had been defended to the last, and that to have continued to make a show of resistance would have been a wanton sacrifice of the remains of her brave crew. But the enemy was not able to take possession of her, and circumstances soon permitted her flag again to be hoisted. At forty-five minutes past two, the signal was made for "close action." The Niagara being very little injured, I determined to pass through the enemy's line, bore up and passed ahead of their two ships and a brig, giving a raking fire to them from the starboard guns, and to a large schooner and sloop, from the larboard side, at half pistol-shot distance. The smaller vessels at this time having got within grape and canister distance, under the direction of Captain Elliott, and keeping up a well directed fire, the two ships, a brig, and a schooner, surrendered, a schooner and sloop making a vain attempt to escape.

Those officers and men who were immediately under my observation evinced the greatest gallantry, and I have no doubt that all others conducted themselves as became American officers and seamen. Lieutenant Yarnall, first of the Lawrence, although several times

THE "NIAGARA" RAKING THE "DETROIT" AND THE "QUEEN CHARLOTTE"
(From a painting by W. J. Aylward)

wounded, refused to quit the deck. Midshipman Forrest (doing duty as lieutenant) and Sailing Master Taylor were of great assistance to me. I have great pain in stating to you the death of Lieutenant Brooks of the marines, and Midshipman Laub, both of the Lawrence, and Midshipman John Clark, of the Scorpion; they were valuable and promising officers. Mr. Hambleton, purser, who volunteered his services on deck, was severely wounded late in the action. Midshipmen Claxton and Swartwout, of the Lawrence, were severely wounded. On board the Niagara, Lieutenants Smith and Edwards and Midshipman Webster (doing duty as sailing master) behaved in a very handsome manner. Captain Brevoort, of the army, who acted as a volunteer, in the capacity of a marine officer, on board that vessel, is an excellent and brave officer, and with his musketry did great execution. Lieutenant Turner, commanding the Caledonia, brought that vessel into action in the most able manner, and is an officer that in all situations may be relied upon. The Ariel, Lieutenant Packett, and Scorpion, Sailing Master Champlin, were enabled to get early into action, and were of great service. Captain Elliott speaks in the highest terms of Mr. Magrath, purser, who had been despatched in a boat on service, previous to my getting on board the Niagara; and, being a seaman, since the action has rendered essential service in taking charge of one of the prizes. Of Captain Elliott, already so well known to the Government, it would be almost superfluous to speak. In this action he evinced his characteristic bravery and judgment, and since the close of the action has given me the most able and essential assistance.

I have the honor to enclose you a return of the killed and wounded, together with a statement of the relative force of the squadrons. The captain and first lieutenant of the Queen Charlotte, and first lieutenant of the Detroit, were killed. Captain Barclay, senior officer, and

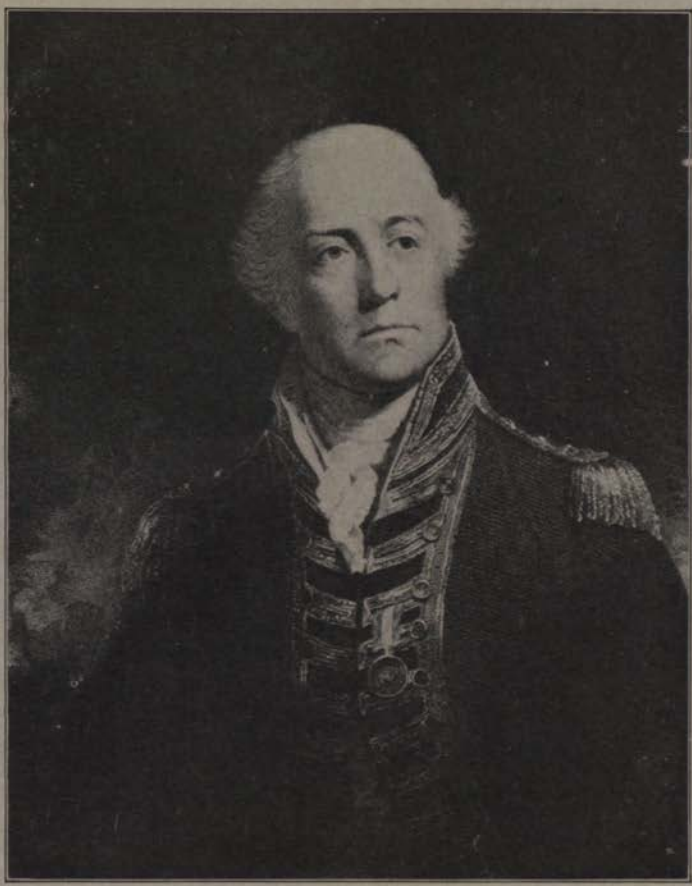
the commander of the Lady Prevost, severely wounded. The commanders of the Hunter and the Chippeway slightly wounded, Their loss in killed and wounded I have not yet been able to ascertain; it must, however, have been very great.

Very respectfully, I have the honor to be,
Sir, your most obedient servant,
O. H. PERRY.

Treaty of Ghent, 1814

This treaty between the United States and Great Britain followed the close of the war of 1812–15. Text from "Revised Statutes Relating to District of Columbia; . . . 1873–'74, . . . together with the public treaties." . . . Washington: Government Printing Office, 1875, pp. 287–292. (See page 111.)

His Britannic Majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding between them, have for that purpose appointed their respective Plenipotentiaries—that is to say: His Britannic Majesty, on his part, has appointed the Right Honorable James Lord Gambier, late Admiral of the White, now Admiral of the Red squadron of His Majesty's Fleet, Henry Goulburn, Esq., a member of the Imperial Parliament, and Under Secretary of State, and William Adams, Esq., Doctor of Civil Laws; and the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States—who, after a reciprocal communication of their respective full powers, have agreed upon the following Articles:



Gambier

LORD GAMBIER

(British commissioner to negotiate the Treaty of Ghent. From a painting by Sir William Beechey)

Article the First

There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property. originally captured in said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which in the course of the war may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall in any manner whatever be construed to affect the right of either.

ARTICLE THE SECOND

Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects, and citizens of the two powers to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic Ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side; that the time shall be thirty days in all other parts of the Atlantic Ocean north of the equinoctial line or equator, and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean; sixty days for the Atlantic Ocean south of the equator as far as the latitude of the Cape of Good Hope; ninety days for every part of the world south of the equator; and one hundred and twenty days for all other parts of the world, without exception.

ARTICLE THE THIRD

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the

advances which may have been made by the other for the sustenance and maintenance of such prisoners.

Article the Fourth

Whereas it was stipulated by the second article in the treaty of peace of one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are or heretofore have been within the limits of Nova Scotia; and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Grand Menan, in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to His Britannic Majesty, as having been at the time of and previous to the aforesaid treaty of one thousand seven hundred and eighty-three within the limits of the province of Nova Scotia: In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two Commissioners, to be appointed in the following manner—*viz.:* One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof: and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively. The said Commissioners shall meet

HENRY CARROLL, ONE OF THE SECRETARIES TO THE AMERICAN PEACE COMMISSIONERS WHO BROUGHT A COPY OF THE TREATY OF GHENT TO THE UNITED STATES

(From an original in the possession of Mrs. Edwin F. Sweet, of Grand Rapids)

at St. Andrew's, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three. And if the said Commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is farther agreed that in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing or declining, or wilfully omitting to act as such, they shall make, jointly or separately, a report or reports, as well to the government of His Britannic Majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannic Majesty and the government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be. And if the Commissioner so refusing, declining, or omitting to act shall willfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or State, together with the report of such other Commissioner, then such sovereign or State shall decide *ex parte* upon the said report alone.

And his Britannic Majesty and the Government of the United States engage to consider the decision of such friendly sovereign or State to be final and conclusive on all the matters so referred.

Article the Fifth

Whereas neither that point of the highlands lying due north from the source of the River St. Croix, and designated in the former treaty of peace between the two powers as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut River has yet been ascertained; and whereas that part of the boundary-line between the dominions of the two powers which extends from the source of the River St. Croix directly north to the above-mentioned northwest angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean to the northwesternmost head of Connecticut River, thence down along the middle of that river to the forty-fifth degree of north latitude, thence by a line due west on said latitude until it strikes the River Iroquois or Cataraguy, has not yet been surveyed, it is agreed that for these several purposes two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall meet at St. Andrew's, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the River St. Croix to the River

Iroquois or Cataraguy, to be surveyed and marked, according to the said provisions. The said Commissioners shall make a map of the said boundary, and annex to it a declaration, under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut River, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or willfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

ARTICLE THE SIXTH

Whereas by the former treaty of peace that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the River Iroquois or Cataraguy to Lake Superior was declared to be "along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication into Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior"; and whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the

United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. The said Commissioners shall meet, in the first instance, at Albany, in the State of New York, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a report or declaration under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said river, lakes, and water communications do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or willfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made, in all respects, as in the latter part of the

JAMES ASHTON BAYARD
(American commissioner, Treaty of Ghent)

fourth article is contained, and in as full a manner as if the same was herein repeated.

Article the Seventh

It is farther agreed that the said two last-named Commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby authorized, upon their oaths, impartially to fix and determine, according to the true intent of the said treaty of peace of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two powers which extends from the water communication between Lake Huron and Lake Superior to the most northwestern point of the Lake of the Woods, to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers forming the said boundary do respectively belong, in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three, and to cause such parts of the said boundary as require it to be surveyed and marked. The said Commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or willfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made,

in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Article the Eighth

The several boards of two Commissioners mentioned in the four preceding articles shall respectively have power to appoint a secretary, and to employ such ar-

CHARLES HUGHES
(One of the secretaries to the American commissioners, Treaty of Ghent)

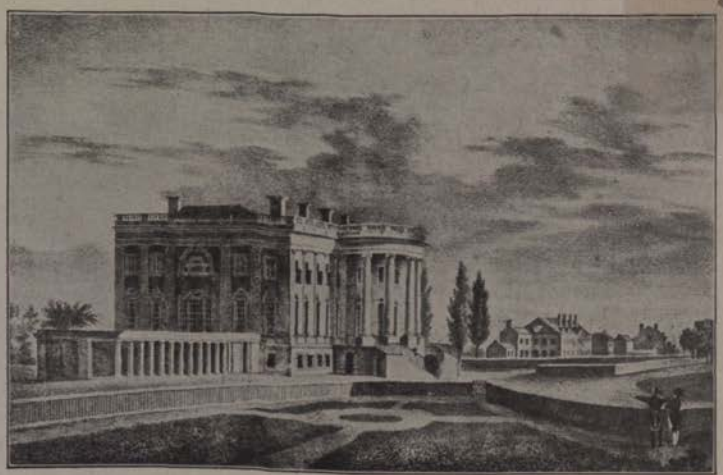
veyors, or other persons, as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, and decisions, and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of His Britannic Majesty and to the agents of the United States, who may be respectively

appointed and authorized to manage the business on behalf of their respective governments. The said Commissioners shall be respectively paid in such a manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratification of this treaty. And all other expenses attending the said Commissioners shall be defrayed equally by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such Commissioner respectively shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioner shall take the same oath or affirmation, and do the same duties. It is farther agreed between the two contracting parties that in case any of the islands mentioned in any of the preceding articles which were in the possession of one of the parties prior to the commencement of the present war between the two countries should, by the decision of any of the boards of Commissioners aforesaid, or of the sovereign or State so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war by the party having had such possession shall be as valid as if such island or islands had by such decision or decisions been adjudged to be within the dominions of the party having had such possession.

Article the Ninth

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights, and privileges which they may have enjoyed or been entitled to in

1811, previous to such hostilities: *Provided always*, that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And His Britannic Majesty



THE WHITE HOUSE IN 1814. SOUTH FRONT
(From a contemporary print)

engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights, and privileges which they may have enjoyed or been entitled to in 1811, previous to such hostilities: *Provided always*, that such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty and his subjects upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

Article the Tenth

Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object.

Article the Eleventh

This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington in the space of four months from this day, or sooner if practicable.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in triplicate, at Ghent, the twenty-fourth (24th) day of December, one thousand eight hundred and fourteen.

Gambier	[L.S.]
Henry Goulburn	[L.S.]
William Adams	[L.S.]
John Quincy Adams	[L.S.]
J. A. Bayard	[L.S.]
H. Clay	[L.S.]
Jona. Russell	[L.S.]
Albert Gallatin	[L.S.]

The Missouri Compromise, 1820–21

The movement for the admission of the Territory of Missouri into the Union as a State was inaugurated in 1818 by the presentation in Congress of petitions for that purpose. An enabling act was reported, but the question of the extension of slavery coming up, no action was taken until February 13, 1819, when the act was brought forward and subjected to several amendments. Finally on August 10, 1821, the admission of the Territory into the Union as a State was proclaimed. The text from which the following extracts are taken is in "Annals" of the Fifteenth and Sixteenth Congresses, "United States Statutes at Large," Vol. III., pp. 545, 546, 548, 645. (See page 140.)

The Enabling Act

An Act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the inhabitants of that portion of the Missouri territory included within the boundaries hereinafter designated, be, and they are hereby, authorized to form for themselves a constitution and state government,

and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the Union, upon an equal footing with the original states, in all respects whatsoever.

SEC. 2. *And be it further enacted*, That the said state shall consist of all the territory included within the following boundaries, to wit: Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence west, along that parallel of latitude, to the St. Francois river; thence up, and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river, thence, from the point aforesaid north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line; thence east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence down and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of the Mississippi river; thence down, and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning: . . .

SEC. 3. *And be it further enacted*, That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said Territory three months previous to the day of election, and all other persons qualified to vote for

representatives to the General Assembly of the said Territory, shall be qualified to be elected, and they are hereby qualified and authorized to vote, and choose representatives to form a convention. . . .

SEC. 4. *And be it further enacted*, That the members of the convention thus duly elected, shall be, and they are hereby, authorized to meet at the seat of government of said Territory, on the second Monday of the month of June next; and the said convention, when so assembled, shall have power and authority to adjourn to any other place in the said Territory, which to them shall seem best for the convenient transaction of their business; and which convention, when so met, shall first determine, by a majority of the whole number elected, whether it be, or be not, expedient at that time to form a constitution and State government, for the people within the said Territory, as included within the boundaries above designated; and, if it be deemed expedient, the convention shall be, and hereby is, authorized to form a constitution and State government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, as they shall designate; and shall meet at such time and place as shall be prescribed by the said ordinance; and shall then form for the people of said Territory, within the boundaries aforesaid, a constitution and State government: *Provided*, That the same, whenever formed, shall be republican and not repugnant to the Constitution of the United States; and that the Legislature of said state shall never interfere with the primary disposal of the soil by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers; and that no tax shall be imposed on lands the property of the United States; and in no

case shall non-resident proprietors be taxed higher than residents. . . .

SEC. 7. *And be it further enacted*, That, in case a constitution and State government shall be formed for the people of said Territory of Missouri, the said convention or representatives, as soon thereafter as may be, shall cause a true and attested copy of such constitution, or frame of State government, as shall be formed or provided, to be transmitted to Congress.

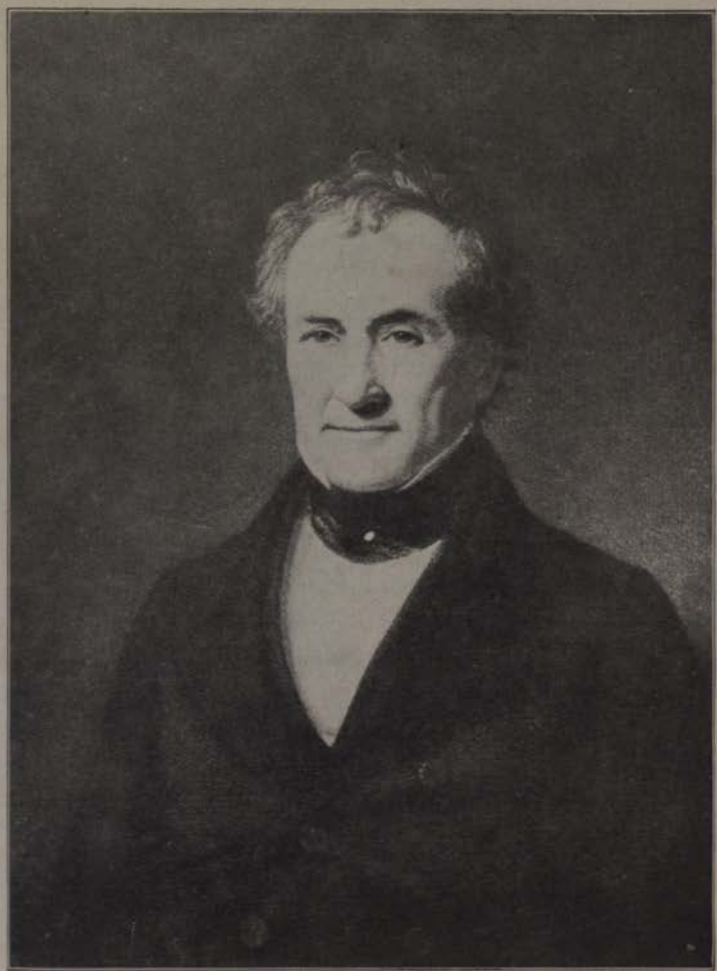
SEC. 8. *And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully claimed and conveyed to the person claiming his or her labor or services as aforesaid.

Approved, March 6, 1820.

THE AMENDMENTS

Tallmadge's, February 13, 1819:

And provided, That the further introduction of slavery or involuntary servitude be prohibited, except for the punishment of crimes, whereof the party shall have been fully [duly] convicted; and that all children born within the said State, after the admission thereof into the Union, shall be free at the age of twenty-five years.



James Tallmadge

JAMES TALLMADGE

(Representative from New York who introduced an amendment to the Missouri bill restricting slavery to the region west of the Mississippi)

Taylor's, January 26, 1820:

The reading of the bill proceeded as far as the fourth section; when

Mr. Taylor, of New York, proposed to amend the bill by incorporating in that section the following provision:

Section 4, line 25, insert the following after the word "States": "And shall ordain and establish, that there shall be neither slavery nor involuntary servitude in the said State, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any other State, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid: *And provided, also,* That the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said Territory."

Thomas's, February 17, 1820:

And be it further enacted, That, in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be and is hereby forever prohibited: *Provided always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid.

CONSTITUTION OF THE NEW STATE, JULY 19, 1820

[ART. III.] SEC. 26. The general assembly shall not have power to pass laws—

1. For the emancipation of slaves without the consent of their owners; or without paying them, before such emancipation, a full equivalent for such slaves so emancipated; and,

2. To prevent *bona-fide* immigrants to this State, or actual settlers therein, from bringing from any of the United States, or from any of their Territories, such persons as may there be deemed to be slaves, so long as any persons of the same description are allowed to be held as slaves by the laws of this State.

They shall have power to pass laws—

1. To prohibit the introduction into this State of any slaves who may have committed any high crime in any other State or Territory;

2. To prohibit the introduction of any slave for the purpose of speculation, or as an article of trade or merchandise;

3. To prohibit the introduction of any slave, or the offspring of any slave, who heretofore may have been, or who hereafter may be, imported from any foreign country into the United States, or any Territory thereof, in contravention of any existing statute of the United States; and,

4. To permit the owners of slaves to emancipate them, saving the right of creditors, where the person so emancipating will give security that the slave so emancipated shall not become a public charge.

It shall be their duty, as soon as may be, to pass such laws as may be necessary—

1. To prevent free negroes end [and] mulattoes from coming to and settling in this State, under any pretext whatsoever; and,

2. To oblige the owners of slaves to treat them with

humanity, and to abstain from all injuries to them extending to life or limb.

Resolution for Admission, March 2, 1821

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That Missouri shall be admitted into this union on an equal footing with the original states, in all respects whatever, upon the fundamental condition, that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said state to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen, of either of the states in this Union, shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the constitution of the United States: *Provided,* That the legislature of the said state, by a solemn public act, shall declare the assent of the said state to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of the said state into this Union shall be considered as complete.

The Monroe Doctrine, 1823

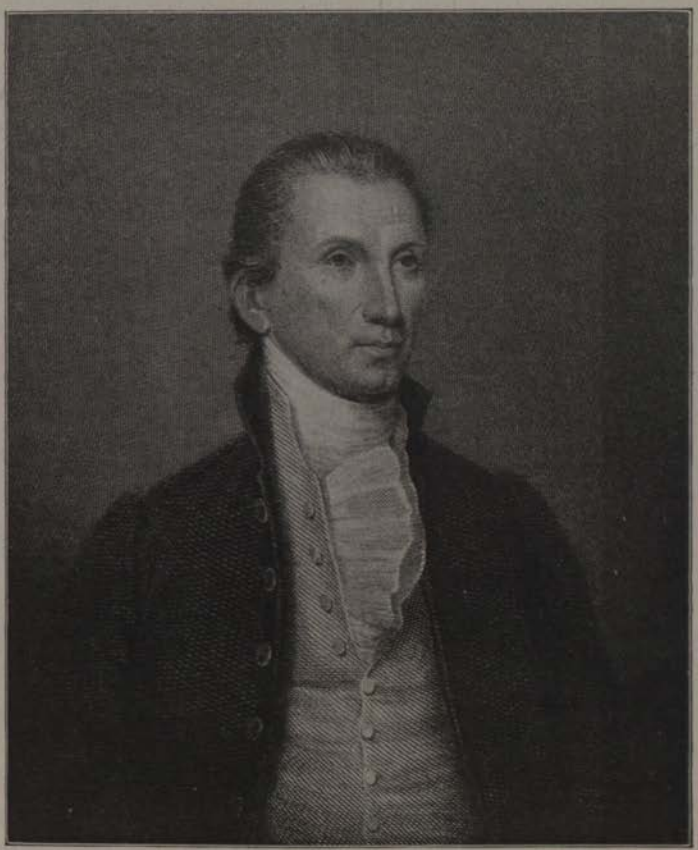
The revolutions in the Latin-American Colonies in South America, beginning in 1806 and completing their success in 1824, afforded a temptation for interference by the Holy Alliance, the union of autocratic governments including Austria, France, Russia, and Prussia, and on the other hand invited the solicitude of England and imposed a direct responsibility upon the United States. The Alliance had agreed to check representative government on the European continent, and Chateaubriand, the French representative, desired the Congress of the Alliance to intervene in Spanish America. Fearful of increased power for France, particularly, Canning, the English Prime Minister, suggested a common policy on the part of England and the United States to preserve the independence of Latin America. After much anxious thought and discussion, in which the advice of ex-Presidents Jefferson and Madison was taken, President Monroe sent a message to the Congress on December 2, 1823, in which the policy of the United States was declared to be against the extension of the system of the Allied Powers to this continent. In the following extracts the most important points of the Monroe Doctrine are printed in italics. Text from "Messages and Papers of the Presidents." Washington: Government Printing Office, 1896, Vol. II., pp. 209, 217–219. (See page 151.)

At the proposal of the Russian imperial government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the Minister of the United States at St. Petersburgh, to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by his Imperial Majesty to the government of Great Britain, which has likewise been acceded to. The government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

. . . . . .

It was stated at the commencement of the last session, that a great effort was then making in Spain and Portugal, to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked, that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly, in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European

powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries, or make preparation for our defence. With the movements in this hemisphere, we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different, in this respect, from that of America. This difference proceeds from that which exists in their respective governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. *We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered, and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States.* In the war between those new governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur, which, in the judgment of the competent authorities of this government, shall make a corresponding change, on the part of the United States, indispensable to their security.



James Monroe

JAMES MONROE

(From an engraving by A. B. Durand after the painting by Vanderlyn in the New York City Hall)

HOUSE IN WHICH JAMES MONROE DIED, JULY 4, 1831
(Situated on the corner of Prince and Marion Streets, New York City)

The late events in Spain and Portugal, shew that Europe is still unsettled. Of this important fact, no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question, to which all independent powers, whose governments differ from theirs, are interested; even those most remote, and surely none more so than the United States. Our policy, in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy; meeting, in all instances, the just claims of every power; submitting to injuries from none. But, in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent, without endangering our peace and happiness: nor can any one believe that our Southern Brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

END OF VOLUME VI

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